



THE LOGIC OF PROHIBITION

BY

MATT. S. HUGHES, D.D., LL.D.



THE STAR PUBLISHING COMPANY
PASADENA, CALIFORNIA

363.410973

H8942

*Copyright, 1915, by
The Star Publishing Company*

FOREWORD

These studies are the outgrowth of practical campaign experience. They are designed to place before the reader, citizen or advocate, the salient points of the prohibition side of the great controversy at the smallest expense of time and labor. The subjects were suggested by the opposition in speeches, pamphlets and joint debates. The discussion has to do with principles and therefore makes little use of statistics. These change from year to year and are always available from other sources. In the long conflict the lines of battle are continually shifted and the methods of defense frequently changed. For this reason new preparation is needed for each campaign. A series of newspaper articles, some of which were circulated as pamphlets, brought such numerous requests for publication in permanent form that this little book is given to the public in the hope that it will prove helpful. The author desires to acknowledge the kindly services rendered in publication by Mr. Charles H. Prisk, editor and publisher of The Pasadena Star.

TABLE OF CONTENTS

1. THE LOGIC OF EVENTS
A Study of Prohibition History.
2. SHOVING THE QUEER
A Study of Saloon Temperance.
3. THE LIVERY OF HEAVEN
A Study of Prohibition Sanction.
4. TURNING STATE'S EVIDENCE
A Study of Prohibition Efficiency.
5. THE PROHIBITION FANATICS
A Study of the Business Species.
6. THE SACRED-CAT STRATAGEM
A Study of "Personal Liberty."
7. THE DECOY DUCKS
A Study of the Liquor Alliances.
8. THE "POOR RELATIONS"
A Study of Prohibition and Labor.
9. RELICS OF THE STONE AGE
A Study of Method and Spirit.
10. A CIVIL CODE OF IMMORALS
A Study of Prohibition Morality.

Drink habit - Drink
Cigarette habit - Cigarette traffic
Opium habit - Opium "
Cocaine " Cocaine "

Traffic encourages habit

The Logic of Events



HERE is a logic of facts as well as a logic of words. The prohibition movement, being practical and not theoretical, can be understood and appreciated only in the light of its historical development. The great temperance reform as we know it today is grounded upon two fundamental principles—total abstinence for the individual and legal prohibition for the state. The first principle deals with the drink habit and the second with the drink traffic; the one is a personal question and the other a social problem. Theoretically, there is no necessary connection between the two, as men may abstain from intoxicants in the absence of state prohibition and there are rumors of personal indulgence in certain sections in spite of prohibitory laws. Practically, however, the two are so intimately related that the twofold plan

of campaign is essential to success, because the drink habit supports the traffic and the drink traffic perpetuates the habit. It is interesting to note that, as we shall see, neither of these principles characterized the great reform in its beginnings. The temperance forces were reluctantly brought to their espousal only by the pressure of circumstances. They represent conclusions to which men of light and leading were forced by the logic of events.

The honor of inaugurating the prohibition movement belongs to the United States and the nineteenth century. The conflict was impending at the close of the eighteenth century, but the eyes of men were holden to the vastness of its proportions. The movement sprang into being in response to a desperate need. The vice of drunkenness characterized the early years of the American republic. Two things combined to aggravate this national condition. Seven years of war with its demoralizing influences had led many influential leaders into dan-

gerous drinking habits and the example of those in high places did not lack imitation by the rank and file. Besides this, the increased importation and manufacture of distilled spirits had furnished deadlier substitutes for the milder fermented liquors which had been the ordinary drink of the people. Gradually the nation had settled down into a slough of drunkenness of which it is difficult at this date to form any clear conception.

The vice was securely entrenched in social customs. Anniversaries, civic festivals, military displays, municipal elections, and all social and public assemblies were times of excessive indulgence. Gentlemen in social position openly caroused at taverns and guests at home were welcomed and speeded with liquor. The family cure-all in case of sickness was the liquor in which men drank each other's health at social functions. Farmers furnished drink to their field-hands and college students made commencement a time of open drunkenness. You could not have a barn-raising or a

ship-launching, a house-warming or a corn-husking, or get a group of men together for any social purpose, without abundant supplies of liquor. Drinking was almost universal, and the use of alcoholic liquors as a beverage had an unquestioned public sanction quite in contrast with present-day sentiment.

It must also be added that the drinking customs of the times were tacitly sanctioned by the churches. In the prevalence of drinking habits the clergy had not escaped the general infection. They drank before entering the pulpit and they drank with their people when the service was over. The social functions in which the church had a leading part, such as weddings, christenings and funerals, were all times of indulgence. Lyman Beecher has described an ordination which took place in Plymouth, Connecticut, in 1810, which opened his eyes to the evil and, with other kindred experiences at church functions, inspired his famous temperance sermons. It is a matter of record that

the father of Jonathan Edwards, himself a minister, bought over eighty barrels of cider brandy of one of his neighbors, and, in a small town in one year, sold the whole of it in small quantities to his parishioners. In brief, the country was cursed with intemperance and the time was approaching when intelligent patriots would realize that once more something heroic must be done to save the nation.

Beginning under such conditions, the temperance reform passed through various phases in the course of its progress. While it is true that the first temperance society was organized on American soil in the first years of the nineteenth century, strangely enough we must turn to England to find the pioneer of the movement in America. That honor history confers upon John Wesley, the founder of Methodism. In his "History of American Christianity," Dr. Leonard Bacon makes this statement: "But, as in the conflict with slavery, so in this conflict, the priority of leadership belongs

easily to Wesley and his itinerants." As early as 1743 the rules for the guidance of the "United Societies of Methodists" declared against "drunkenness, buying or selling spirituous liquors, or drinking them except in cases of extreme necessity." This was the first authoritative ecclesiastical utterance upon this vital subject, and it was made when the common use of intoxicating liquors was no more a matter of church censure than the present use of tea and coffee.

This legislation by Wesley is intimately related to the temperance reform in this country, for when the Methodist Episcopal Church in America was organized in 1784, this rule was adopted for the guidance of the new body. A prohibitory law was thus one of the fundamental principles of Methodism in the beginning. Just ninety years after the rule was penned by Wesley, the first national temperance convention was held in the city of Philadelphia. How far Wesley stood in advance of the times is indicated by the fortunes of his legislation

in the United States. The rule was modified a few years later by leaving out the words "buying and selling" and "extreme," and they were not restored until 1848. Even as late as 1812, the General Conference voted down (after it had been called up five successive times) a resolution which provided that "no stationed or local preacher shall retail malt or spirituous liquors without forfeiting his ministerial character." Such action by such a body only serves to emphasize the grip of strong drink upon the nation and the fact that Wesley was one hundred years in advance of other reformers.

The first phase of the progress of the temperance movement, outside of the church, was the stage of unorganized protest. Some eyes were opened to the peril of the nation and some voices were raised in warning. The prophet of this first temperance dispensation was Dr. Benjamin Rush, of Philadelphia. He was both physician and patriot. He had studied medicine in Philadelphia and Edin-

burgh, had hospital practice in London and Paris, and was professor of chemistry in the Philadelphia Medical College. He was recognized as the most eminent medical man in Philadelphia, if not in America. He gave his country conspicuous service. He was elected to the Continental Congress of 1776; he was one of the signers of the Declaration of Independence; he was physician-general of the middle department in the army; and a member of the Pennsylvania convention for the ratification of the Federal Constitution. By character and service his speech on any subject commanded attention.

In 1785, Dr. Rush published his now famous essay on "The Effects of Ardent Spirits on the Human Body and Mind." This publication marked the beginning in English-speaking countries of the formal discussion of the drink evil. Before this essay was printed there was no such thing in existence as an extended argument against the use of strong drink by anyone having pretensions to scien-

tific authority. It was the first studied attack upon the customs of the day by a writer of parts and position. The essay struck boldly at the double superstition of the food-value of alcohol and its virtue as a medicine. The weakness of the monograph, another reflection of the times, lay in its commendation of beer and wine as against distilled spirits. The publication did not create a following nor start a movement, but it was the leading temperance document for forty years, and did much to create sentiment and enlist volunteers for the struggle of the coming century. The value and influence of the essay were fitly recognized by the celebration of the centennial anniversary of its publication by a great temperance conference in the city of Philadelphia. It was one of the opening guns of a long war.

The second phase of the movement soon followed—the beginning of organized effort. The new era was inaugurated when men acted on the idea of social union for the resistance of social custom. As far as history

tells us, the first so-called temperance society was formed in New York state in 1808. Then followed a time of organization covering a period of a quarter of a century. The forces of temperance began to get together on a scale commensurate with the evil to be overthrown. The conspicuous event of that organization era, however, was the launching of the American Temperance Society at Boston, in 1826. Its platform was total abstinence from ardent spirits. The manifesto was accepted by the people as a new gospel and the result was a triumph of moral appeal. The nation by this time had recognized the necessity of remedial action and eagerly grasped at the promise of the new movement. In eight years the organization had spread to a score of states; more than 7000 county and local societies had been formed; more than a million persons were enrolled in the membership; the liquor business was being made odious and conscientious men were withdrawing from it; while the importation of distilled liquors had been

reduced one-half and there had been a striking shrinkage in the domestic output. This enthusiastic response has been likened to the effect produced by the crusade preaching of Peter the Hermit. The outcome of the second phase of the temperance movement was the arousing of a nation from a drunken slumber.

The progress up to this point, however, was more apparent than real, in spite of the mobilizing of the forces of sobriety for a quarter of a century. Before the year 1836 there was really no such thing in America as a temperance society as we define such an organization today. Both in this country and the British Isles the early agitation and organization proceeded on the theory that total abstinence from all intoxicating liquors was neither necessary nor desirable and that the temperance task was simply the prevention of the excessive use of distilled spirits. The moderationists had the field and all the so-called temperance societies were organized on the moderation plan. Wine, beer and cider

were supposed to be temperance drinks and their use was considered harmless, if not indispensable.

The Union Temperance Society, of 1808, gives a fine example of the feebleness of the beginnings. The following is an extract from its constitution: "No member shall drink rum, gin, whisky or any distilled spirits, or composition of the same, or any of them, except by advice of a physician, or in case of actual disease (also excepting public dinners) under the penalty of 25 cents; provided that this article shall not infringe on any religious rite." Among the "religious rites" excepted in this constitution were funerals, weddings, church dedications, and the like. And these were the fanatics of those days! Another "temperance" society of that time had a by-law which read as follows: "Any member of this association who shall be convicted of intoxication shall be fined two shillings, unless such act of intoxication shall take place on the Fourth of July or any regularly appointed muster day." The reformers

of the first quarter of the nineteenth century were not open to the indictment of fanaticism.

We are not surprised to learn that, while three million people had signed the pledge in a single generation, drunkenness had not diminished. Abstinence from whisky and brandy was more than compensated by indulgence in beer and wine. It is noticeable that, while the importation of distilled liquors decreased one-half in eight years (1824-1832), the importation of wine had increased nearly five-fold in the same length of time. The idea of moderation was so deeply rooted in the mind of the time that, at the national convention of the American Temperance Society, the leading organization, in 1833, a resolution calling for a total abstinence platform and propaganda was voted down. The outcome of this condition of things was that the first quarter of a century resulted in a paradox—a drunken temperance movement. Up to this point the reformers had not adopted either one of the fundamental

principles of the modern movement.

Then followed the third phase of the historical development of our subject—that of total abstinence. The new stage was the inevitable outcome of a generation of hopeless experiments. Moderation had been given its fair trial and had proven a ridiculous failure. It was found that in most cases drunkards breaking their pledges became intoxicated on other than distilled liquors. In the beginning of the second quarter of the century the country began to hear of something new in temperance reform. It was called "Teetotalism." The term is an emphatic reduplication of the word total. We have two accounts of its origin—one English and one American. A New York temperance society, organized in 1818, had a pledge to abstain from distilled liquors. In 1827 an elective total abstinence pledge was adopted. The two classes of members were distinguished as those who took the "old pledge" and had "O. P." placed before their names, and those who took

the new or total pledge, the frequent explanation making "T-total," a familiar term. The other account credits Richard Turner of Lancashire, England, with coining the term. In a speech he denounced moderation as a failure, and declared that nothing but "te-te-total" would do; while a variation of the story makes him a stutterer. Whatever the origin of the term, it was a novel doctrine and was only accepted when other experiments had failed.

The new era may be dated from 1836, when a second National Temperance Convention was held. Appropriately, the gathering was at Saratoga, famous for its health-giving waters and not far from the field which witnessed a decisive battle for American independence. The most important business of that convention was the adoption of a resolution to the effect that henceforth the movement would plant itself upon the ground of total abstinence from all intoxicating liquors. The result of this action was revolutionary. There were wholesale

desertions from the ranks of the reformers. The deserters were those whose zeal was limited to saving others from rum and brandy, while they themselves continued to befuddle their brains with wine and beer. So-called temperance societies disbanded in every direction. Prominent workers under the old pledge became silent under the new. The cry of "fanaticism" once more disturbed the air and some new voices caught up the familiar refrain. But at last the bankrupt temperance reform had acquired one of its essential principles and the temperance forces had grasped one of the needed weapons of its warfare. Gradually the people rallied around the new banner and the work entered upon an era of real efficiency. The year 1836 is one of the milestones in the progress of the reform.

The fourth phase quickly followed—that of political action. The legislative war against the liquor traffic may be dated from the year 1838. From that time the movement added to its program of moral suasion for

the individual, legal suasion for the state. Thereafter the campaign comprehended the double objective of personal habit and community protection. Here again the reformers were taught by experience and forced to accept unwelcome conclusions. Just as the folly and futility of restricted and regulated personal use forced the adoption of total abstinence for the individual, so experience with regulation that did not regulate finally brought the temperance forces to the acceptance of the doctrine of prohibition for the country. At first, the traffic was still licensed to do its deadly work; the people only insisting that it should not be too grossly overdone and that they should share in its profits in the imagined relief of taxation. It was only after bitter experience had shown that the traffic was so inherently lawless and criminal, that regulation was impossible, that the holy doctrine of prohibition was given place in the legislative world. The reasoning which led to the new departure was very simple. As early as

1833 the question was publicly debated: "What right have legislators to pass laws which enable men legally to injure their neighbors, to increase their taxes and to expose their children to temptation, drunkenness and ruin?" The answer, of course, was the denial of any such right, and the logical result was the turning of the temperance forces into legislative channels. The people began to move for the repeal of license laws; for legislation having for its object the outlawry of the liquor traffic; and for laws which would ultimately result in its classification among crimes. They had learned the important lesson that moral enthusiasm without legal machinery cannot cope with a commercialized evil.

The new departure began in a modest way. At first the cry of "No license" was raised in municipalities, and the attack was upon the saloon. The idea of killing the evil in the germ, of prohibiting the manufacture and the sale, was not grasped. The first endeavors had to do with the preven-

tion of retailing and the punishment of violations; but the principle of prohibition was involved and the unfailing logic of events was sure to utilize it finally in every form and to every extent of its possible application. The new agitation, though at first merely local, was at last on the right track. Long years might cover the period of its progress, but the goal would always be in sight. Ever since that time the controversy has been between license, with a cash interest, and the legal prohibition of the traffic. In such a conflict there can be no compromise. Having once seen the effects of the business and realized that prohibition is the very essence of prevention, the people are sure to apply the remedy sooner or later.

The movement spread from the community to the state. The natural outcome of municipal prohibition was the growth and expansion of the idea to cover the larger unit. The honor of the first victory of the new idea belongs to the state of Maine. In 1837 an able report was made by a

committee of the legislature, acting on numerous petitions claiming protection from the traffic by the state. The committee framed a prohibitory law which was rejected by the legislature but was taken up by the people. Three years later a legislature was elected which passed a prohibitory law only to have it vetoed by the governor. But in 1846, Maine placed the first prohibitory law upon the statute-books of a sovereign state. The original "Maine Law" has been altered and strengthened but never repealed. In the matter of prohibition, Maine has gallantly exemplified its motto—"Dirigo." In 1851, under the leadership of General Neal Dow, "the Columbus of prohibition," the law was made effective. It was amended so as to permit the apparatus of the traffic to be used as evidence, just as are the implements of the gambler and counterfeiter, and to confer upon the officers the summary power of destroying liquor when found.

For the next ten years (1846-1856) the question of license or no-license

was agitated in almost every part of the Union. In response to growing public sentiment the license laws of many states were made more stringent. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, Michigan, Indiana, Iowa, Minnesota, Kansas and Nebraska passed prohibitory laws—some of them more than once. In most of these states the question, in some form, was submitted to the popular vote and the principle received emphatic endorsement. In New Jersey, also, the popular voice was strongly in its favor, but the liquor interests succeeded in thwarting the will of the people. In 1846 the liquor interests went to the supreme court of the United States with Daniel Webster and Rufus Choate as their counsel. It was the unanimous decision of that tribunal, delivered in 1847, that each state had the constitutional right to regulate or even totally suppress the traffic. Chief Justice Taney, in delivering judgment, said: "And if any state deem the retail and internal traf-

fic in ardent spirits injurious to citizens, and calculated to produce idleness, vice and debauchery, I see nothing in the constitution of the United States to prevent it from regulating and restraining the traffic, or from prohibiting it altogether if it thinks proper." (5 Howard, 573.)

By the continued expansion of the same idea and method came the campaign for national prohibition. The community without saloons was immediately surrounded by licensed territory and the same condition obtained in dry states. The traffic, without any regard for the expressed will of the people, pushed its products everywhere, even in defiance of law. This phase of the war received some early encouragement. The federal government committed itself to prohibition in a limited way before this stage of the movement was reached by the reformers at large. In 1832, General Lewis Cass, then secretary of war, issued an order prohibiting the introduction of ardent spirits into any fort, camp or garrison of the United States.

It was the first round in the now famous "canteen" contest. During the presidency of General Andrew Jackson, in 1834, the law "for the protection of the Indian tribes" prohibited the sale of all strong liquors and enforced the prohibition by directing the Indian agents to seize and destroy all such liquors introduced for sale into Indian territory. While national prohibition belongs to the future the government officials have been forced by necessity to apply the principle from an early day.

The temperance movement had now developed, under the practical tuition of experience, the two fundamental principles of the movement—total abstinence for the individual and legal prohibition for the state. The contest assumed a twofold direction—one line of argument and effort aiming to dissuade the people from all use of intoxicants and the other taking the shape of an attack upon the traffic, seeking to destroy the sanction of law under which it operated and to secure other laws for its abolition. For two gen-

erations the application of these two principles has been the intelligent object of the temperance forces. Public opinion is fast approaching the conclusion that, instead of being protected by law, the liquor traffic must be prohibited by law.

Our study of prohibition history would not be complete without an answer to a question which will arise in the mind of every intelligent reader. The initial successes of the prohibition movement in its first years prophesied early and complete victory in the nation. The momentum of the cause was such that, if it had been uninterrupted, the American saloon would have been extinct in 1865. But while the line of battle, notwithstanding local repulses and temporary defeats, was steadily advancing, its progress was suddenly halted. What stayed the advance of the cause? Why are we still engaged in a conflict which should have been won fifty years ago?

Just at the time when victory seemed to be in sight there came the Civil War. It made an immediate and

overmastering appeal to the patriotism of the people. The series of events leading up to the great struggle and the later years of fierce conflict monopolized the national attention and swept the streams of national enthusiasm into its mighty current. The same patriotism that fought the liquor traffic enlisted to save the country; while the unpatriotic greed that cursed the country in time of peace was quick to seize the advantages offered by the distress of war. While true patriots laid aside all else to save the country, the liquor interests at home plotted the accomplishment of their own sordid ends. When the war was over one single state remained in the prohibition column. It is also a significant thing that, while the patriots were at the front, the United States Brewers' Association was organized in 1862. Its first patriotic endeavor was to fight a tax placed upon its product to carry forward the war. The government in July of the year of the brewers' organization levied a tax on domestic liquors, in-

cluding a tax of one dollar a barrel on beer. Despite the nation's necessity they fought the levy and had the tax reduced, although later it was restored.

It was in connection with raising a war revenue that the United States government entered into its unholy alliance with the liquor traffic, which alliance has been its chief protection for fifty years. The first effects of the internal revenue laws placing a tax on liquors were to compel capitalization of the distilling and brewing interests; to promote compact and intelligent organization; and to establish intimate relations with federal officials and influential politicians. The distillers, brewers and dealers of all kinds, uniting their forces, became a power in politics which no political party dared to leave out of its calculations. The relations between the government and the traffic were revolutionized and the whisky and beer power in politics was rapidly developed. The traffic acquired almost absolute control over Congress and

the Internal Revenue Bureau. It used the United States government in fostering the "industry." Down to the present time it has succeeded in preventing a Congressional investigation of the general aspects and consequences of the liquor traffic and the comparative results of the prohibition and license systems. In getting rid of slavery, we adopted the liquor traffic, and of the two evils we are now engaged in a struggle with the greater.

The liquor traffic was able to take advantage of the nation's distress, because for twenty years it had been mobilizing its forces, digging entrenchments and making alliances. In the social history of the nineteenth century there is scarcely anything more remarkable than the change in the character and conduct of the liquor business. In its beginning there was no organized liquor power and no saloon in politics. The trade was not concentrated; retail sales were made at grocery stores and taverns. The trade was not united; manufac-

turing was carried on everywhere and breweries and distilleries were independent in ownership and management. The trade was not discussed; the right or wrong of licensing was not a matter of controversy. The trade was not studied; science had not turned its attention to the subject of alcoholic liquors and their effects.

The liquor interests, alarmed at the universal agitation and general action against the traffic, began to mobilize the saloon army. The controversy first divided the citizenship into the drinking and the non-drinking factions; the first usually belonging to the saloon allies and the second frequently enlisted against the business. During this period the liquor side also received powerful reinforcements from abroad in the heavy immigration of the times. In a period of twenty years (1840-1860) the German immigrants alone numbered 1,330,000 and under their auspices the manufacture of beer became a great business in the United States, while the

majority of the newcomers clung to their drinking customs. Up to the present time the cause of prohibition has received no perceptible help from abroad.

The evolution of the saloon also added to the power of the traffic. In the beginning the saloon, as it exists today, was unknown. There was no place exclusively dedicated to alcoholic sale and sociability. The saloon developed under the new conditions, replacing the tavern and liquor-selling grocery. The business was thus placed in a class by itself, recognized as something different in character from all other lines of business. The product of the evolution was a distinct type—the stand-up saloon with long bar and free lunch, the headquarters of the undesirable elements in the community. It is usually constructed with facilities for violating the law and encouraging clandestine custom. With the growing power of the manufacturers, the saloons, in a majority of instances, are only the local distributing agencies of the big liquor trusts. Politically, they

are the centers of the bad influences and the corrupting forces in our national life. The power of all these saloon forces was further multiplied by the new transportation and manufacturing facilities; by the centralizing tendencies in modern business; and by alliances with other industries.

The history of the prohibition movement is still in the making and cannot, for that reason, be concluded in this outline narrative of its historical development. The closing chapter waits to be written. It will tell the splendid story of the final overthrow of the saloon power in the American Republic and describe the hastening triumph of the prohibition forces after the long, long years of conflict. The last episode in this national epic will not be the signing of an emancipation proclamation by a president on the ground of military necessity, but the declaration of the sovereign people at the ballot-box that the liquor traffic shall no longer be protected by legislation but prohibited by law. With state after state wheel-

ing into line and joining the column headed by gallant little Maine; with Congress hearing the voice of the people and giving a majority vote in behalf of the cause; and with political prophets everywhere proclaiming the new freedom, the day of national prohibition is at the dawn.

Shoving the Queer



THE title phrase belongs to the argot of the underworld. Being interpreted, it means the passing of counterfeit money. It describes the act of inducing the acceptance of a spurious article made in the semblance of the genuine. The counterfeit is an imitation made without legal authority and with fraudulent intent. Those engaged in the nefarious business debauch the circulating medium of the business world, thus destroying public confidence and causing loss to those without information. For this reason "shoving the queer" has been made a criminal offense—a felony punishable by imprisonment.

This slang of the criminal group gives us an accurate and picturesque description of a familiar device of the whisky squad in every prohibition campaign. The members of that outfit develop a sudden and suspicious solicitude on the subject of the tem-

perance education of the public, and to this important end speakers are employed and literature is circulated. Drunkenness is fervently denounced and temperance is eloquently extolled. But temperance is always set forth as moderation in use and contrasted with intemperance defined as abuse. To be sure, temperance and prohibition are not synonymous, the one being a matter of personal conduct and the other a matter of public policy; the one having to do with drinking and the other dealing with the subject of selling; but the value of such a campaign strategem lies in convincing the voters that temperance means the use of alcoholic liquors. That being the case, prohibition is the enemy of the virtue of temperance by preventing its exercise and development in the closing of the saloons.

Long ago the famous Dr. South warned us against the fatal imposture of words. "It is an ancient artifice of fraud," said he, "to prepossess the mind by representing bad things under a good name." The liquor sell-

ers are shrewd campaigners and they realize that many voters are not qualified to detect counterfeits. They know the value of a propaganda of misinformation. Nothing is more cordially welcomed by them at the present time than pleas from persons of respectable standing in behalf of the 'temperate' use of intoxicants. This is shown by the eagerness with which they circulate articles from the pens of influential conservatives, as well as by the generous remuneration awarded individuals who are willing to derive pecuniary advantage by acting as saloon allies in the advocacy of "light liquors" and the championship of "moderation." The campaign device reaches its perfection when the prohibition forces are subjected to the fire of a few clerical snipers, who indignantly deny enlistment as saloon barkers and vociferously declare themselves in behalf of what they call "real temperance."

The queernesses of the virtue of "real temperance" as advocated by the whisky squad are of unusual interest.

In the first place, they use an indefinite term and recommend an indefinable virtue. Our opponents are lost in a "twilight zone." They wander in some unsurveyed middle ground between perfect soberness and utter drunkenness. They cannot definitely tell us, and they do not undertake the task, just what they mean by the word temperance, beyond the fact that it means the use of liquors and the continuation of the saloon. That which is, or is supposed to be, moderation for one drinker may be a fatal excess for another. Ask any group of men what constitutes a temperate use of intoxicating liquors and each individual is likely to give an answer differing from all the rest. The replies will depend upon age, physical condition, stage of the habit, individual peculiarities, moral ideals, and other factors. Whatever quantity one regards as "safe" for himself, he will try to keep as close as possible to the safety-danger line, finding himself in all probability unconsciously crossing the border from time to time.

The term as used by the saloon advocate is impossible of definition. It has, therefore, no answer for the pressing and practical questions growing out of the general problem. On the basis of moderation in use no man can say just where "temperance" ends and intemperance begins. No one can tell us at what particular point in use a man ceases to be sober and comes to be drunk. They cannot inform the public as to what quantity or strength of alcohol one may use with the perfect assurance of retaining the sober equilibrium of all his faculties. They do not attempt to safeguard their patrons by ascertaining how long one may be accustomed to a very moderate daily quantity of wine or spirits without incurring any danger of forming an appetite for strong drink. Nor do they volunteer any information as to what amount of liking may deservedly be called an appetite. It is enough for the common herd to know that "real temperance" means the use of intoxicating drink and non-interfer-

ence with the saloons which furnish the supply. And this, if it befogs the mind and secures the vote, is enough for campaign purposes.

The next queer thing about the temperance preached in the interest of the liquor traffic is that it is the prolific parent of intemperance. One of the most certain and best understood results of practicing the virtue of "real temperance" is that it leads to intemperance, and it is the only highway by which one can reach the destination of drunkenness. Temperance, as defined by the whisky squad, is an inclined plane, leading down from the safe levels of abstinence to the depths of disgrace and destruction. The ranks of the drunkards are constantly and only recruited from among those who practice "real temperance." Any abstainer must pass through the various stages of "real temperance" before he can reach the further and final stage of intemperance.

This outcome of "real temperance" is easily explained. Alcohol creates a desire for its repeated use in increas-

ing quantities. The depression and disturbance of the system, which is the result of the use of intoxicating drink, begets an unnatural and incessant craving for its effects. The habit of indulging this unnatural craving steals upon a man unawares; occupying more and more of his thought and commanding more and more of his time and money. In every community a certain proportion will yield to the tendency and "go to excess," however others, for various reasons, may hold themselves in check. All heavy drinkers were first exemplars of "real temperance." This unvarying outcome of the practice of the virtue, advocated in the name of religion and sponsored by stray clergymen, makes the theory of low-average use among any considerable number of people a manifest impossibility. It is a queer virtue that is the father of vice and it is a queer temperance that develops all of our drunkenness.

The next queer thing about this virtue, so vigorously pushed during prohibition campaigns by the saloons and

their allies, is the fact that it is an impossible virtue for those who need it most. "Real temperance," interpreted as the moderate use of intoxicants, is a virtue impossible for the drunkard. His salvation depends upon total abstinence, and this course is universally prescribed in such cases. The man who has been downed by "real temperance" can never come back to genuine virtue as preached in the interest of the saloons. And there are tens of thousands for whom our doped liquors, open saloons and treating customs, combined with our trying climate and nervous organizations, render moderate drinking practically impossible. They must choose between the safe and sure way of total abstinence and the fatal plunge into drunkenness and dishonor. It must be a peculiar experience for a clergyman to find himself preaching a virtue the general practice of which will mean damnation to multitudes of his fellowmen.

Not only so, but the practice of saloon temperance renders an indi-

vidual impotent in the work of reforming the drunkard. The use of drink, moderate or immoderate, is not a good example for the victims, and it is an axiom of influence that example is better than precept. Drunkards are not going to abstain and form abstinence societies for their own benefit any more than criminals can be expected to organize for their own reformation or beggars to start movements for the abolition of pauperism. Someone else must lead the way, and the ones who lead the way, here as everywhere, must say do as we do, and not as we say. "Real temperance" has no helpful hand to stretch out to those who first accepted the theory and now suffer the consequences.

Beyond all this, "real temperance," next to money greed, is responsible for the perpetuation of the liquor scourge in our land. It is a safe thing to say that no one votes to keep the traffic going in the interest of drunkards. These finished products of the tolerated industry, who have parted with reason, lost self-control, and are

the victims of physical disease, make an unanswerable indictment against the saloon in their helpless and hopeless condition. No man votes to keep the saloons open in their behalf, and just as certainly the liquor traffic does not prosper by reason of total abstainers. The mainstay of the saloons in this country will be found in the middle class, who are engaged in the practice of what some clergymen call "real temperance." These are the forces which rally at the call of the rumsellers in every campaign against the traffic. We repeat the statement, "real temperance" is a queer thing when it becomes an impossible virtue for the drunkard who needs it most; when it destroys the capacity of its practitioner for helping those who are down and out; and when it is the hope of the traffic and the bulwark of the American saloon. The people who urge that kind of temperance are literally "shoving the queer."

The next queer thing about "real temperance" is its essential immorality. A generation ago one would have

hesitated before making such a statement. Moral principles have been involved in the problem since the first recognition of the evils of indulgence in intoxicating liquors, but in recent years there has been an accumulation of startling data on the subject which places the whole matter in a new light. The time has gone by when the argument for total abstinence need be presented on other than moral considerations. In recent years the physiologist and the psychologist have illuminated the subject of "real temperance" by their investigations, and we may no longer talk about total abstinence as being a kind of optional morality or a magnanimous surrender of a personal right in the interest of the general good. For the man of conscience, abstinence from intoxicating liquors is no longer a discretionary matter but a solemn obligation. "The New York Times," which is somewhat at war with itself on the temperance question, puts the new aspect of the case editorially as follows:

"In recent years the moderate users

of alcohol have been driven from several positions that hitherto had seemed easily tenable. Their habit and its consequences to them have been subjected to careful laboratory investigation by scientists, experts in psychology and physiology—men who were not sentimentalists, who started with no assumptions as to the wickedness or harmfulness of indulgence in intoxicants. And they all made the same report—that alcohol in any quantity decreases intellectual and industrial efficiency—that never, under its influence, do we think or work as well as without it—that its first effect, a seeming stimulation of the faculties, is merely an inhibition of those later acquired mental powers, that differentiate the civilized man from the savage, the man of normal intellectual development from the imbecile.”

The immorality of the so-called “real temperance” is apparent, first of all, in the injury of the individual who accepts and acts upon the teaching. A man has certain duties toward himself. It is the first law of nature, ac-

according to ethics, that the welfare of the whole consists in the fidelity of each created thing to itself. Man is called upon to exercise a providence over himself under the instinct of self-preservation. This duty embraces the maintenance of all bodily and spiritual functions at their best. The abuse of any power, when voluntarily suffered outside the line of duty, is an immorality. Every muscle of the body has its moral right to be kept in healthy condition, and each nerve has its ethical claim to full vitality. The law of self-preservation embraces the obligation of all those virtues which are conducive to healthful and vigorous life. There are other and still higher reasons for the practice of such virtues; but on the lower ground of self-preservation, the common virtue of temperance in all things and abstinence from every lust which destroys or injures the life of body and soul, are among the primary obligations of a wholesome conscience. These are common duties of nature, and religion simply emphasizes and intensifies

them. Immorality begins when a man by his own act of indulgence cannot come to his work or play or study with the energy and zest which come of good digestion, strong muscles, steady nerves and a clear head.

What are the effects of "real temperance" on the individual who owes to himself the duties described? Let the answer of modern science, in a few items, be given by Dr. David Starr Jordan. The following particulars are summarized and condensed from an address by this distinguished educator before the National Education Association:

The general action of alcohol is that of a nerve-depressant. This effect of alcohol is the same in kind, whether the quantity taken be large or small. "The difference between the glow of a glass of claret and the stupor of a whisky debauch is mainly one of degree."

Alcohol again has a specific effect on the nervous system as a disturber of accuracy. In this lies the joy of wine such as it is. It has the power

of causing the nervous system to lie, to make one feel warm when he is cold, to make one feel good when he is not good. The nervous system once taught to lie fails afterward to record the truth. This failure affects the three great mental processes alike—sensation, comparison and movement; observation, thought and action. It makes the victim uncertain as to what he sees or feels, hazy as to the meaning of his sensations, and shaky when he carries his feeling or thought into action. Repeated saturations of the nervous system make these difficulties chronic.

The claim that the wine-drinking countries are the models of temperance is fallacious. The daily semi-saturation of the Italian laborer may be just as unwholesome as the occasional spree of the Scottish farmer. The latter may be more unpleasant when in his cups, but he may likewise be more normal in the larger intervals between them. The statistics of Jean de Bloch show a greater percentage of deaths from alcoholism in France

than in England, though England would doubtless show a larger visible percentage of drunkenness.

Alcohol is also a general disturber of the processes of the body. Most of these are modified somewhat by the action of alcohol, but the burdens on the kidneys, the liver and the arteries may be especially noted. The worn-out kidney appears as Bright's disease, the disintegrated liver as cirrhosis, and the stiffened arteries as sclerosis, which means premature old age.

Alcohol also destroys the white corpuscles of the blood. These are the germ-destroyers, the home guards of the body. These blood corpuscles constitute our chief protection against infectious diseases. The little plants which produce typhoid fever, tuberculosis, pneumonia, blood-poisoning may find their way into the blood, to be devoured by these destroyers, leaving us no record of their existence. The drinker, even in the most gentlemanly fashion, is more likely to fall before a bacterial infection than is a total abstainer.

Alcohol appears as a stimulant only because its first effect in lowering nerve-action is to dissolve those restraints and reserves which we naturally build up in our experience in life. The foundation of these restraints and reserves is known as character-building. To throw off restraint gives an appearance of stimulation, because it releases the lower tendencies otherwise held in check.

The truth is that while diluted alcohol is less harmful than alcohol not diluted, there is no amount of alcohol that has not its evil effect on the nerve-structures of the body and therefore on the veracity of life. Every man who treats his nerves to alcohol suffers from the experience in greater or less degree.

That is the effect of "real temperance" on the man. The popular impression that, notwithstanding certain recognized dangers, alcoholic liquors in so-called moderation are not injurious, that in limited quantities the habitual use is safe and under the control of the user himself must be rele-

gated to beer advertisements, "wet" campaign speeches and certain clerical pronunciamentos. These false notions, encouraged by saloon advocates and so persistent and persuasive that they become important factors in every prohibition campaign, are flatly contradicted by the science of today.

"Real temperance," as recent investigations show, is a greater cause of degeneracy than even periodic excesses. The old idea was that a man was not under the influence of liquor if he did not stagger and was reasonably clear in his speech and his senses. But intoxication is not a mere matter of muscle control. The average regular drinker is always drunk; disturbances, not noticeable but far from normal, are taking place in his physical and psychical processes. Dr. Williams, in a remarkable article published by one of our leading periodicals, says that the man who declares that he is "never under the influence of liquor, is, in reality, never actually sober from one week's end to another. Neither in bodily nor in mental activ-

ity is he ever up to what should be his normal level."

In view of the duty a man owes to himself and the scientific revelation of the effects of alcohol even in small quantities, we submit that the man who is intelligent on these things can only practice "real temperance" at the expense of morality. From that standpoint the moderate use of intoxicating liquors is a more serious offense than ever before in the history of the race. We commend the reported example of Dr. Charles W. Eliot, the leading educator of America, who, after taking a glass of wine occasionally throughout the most of his life, quit it in his old age on the basis of these scientific discoveries, and became a total abstainer.

The second element of immorality in so-called "real temperance," still considering the individual himself, is found in assuming unnecessary risk. Now it is often the duty of men to hazard their lives. There are callings, useful and necessary, which involve by their very nature physical peril,

health sacrifice and moral exposure. But needless running into danger is irrational and immoral. It is a crime even in the eyes of the law. The risk incurred is culpable in the degree in which it is necessary. The immorality of the "real temperance" drinker lies in the fact that, for the sake of a sensual gratification, he injures his body and imperils his soul. He cannot enter the plea of necessity, for the experience of a century incontestably proves that alcohol, as a beverage, is not a necessity. Total abstinence has passed beyond the experimental stage. Millions of human beings and thousands of communities have lived happily and prosperously without intoxicating drink.

Nor can the "real temperance" drinker ever plead that in his special case the risk is inconsiderable. This all men think, but no man knows. The power of resistance can never be infallibly predicted. It is always an unknown quantity except by experiment, and no intelligent and moral being, in the face of present knowl-

edge as to the nature and effects of the use of alcoholic liquors, can be morally justified in trying the dangerous experiment. A man may think himself strong enough to stop being "real temperate" when and where he pleases; but it is the fatal and peculiar deception of intoxicating drink that it makes the user weaker to resist with each indulgence. It enfeebles the will directly. The fact that a man can stop drinking today is no sure sign that he can practice "real temperance" for a year and then stop. At the end of that time he will have a different body, a different brain, a different mind and a different will. The man who runs such a risk, in the light of present knowledge, cannot truthfully be called a moral man.

The third element of immorality in the whisky idea of "real temperance" is apparent in the injury done to one's fellowman. This involves, among other things, the effects of one's example upon his family, his friends and his community. The man who practices "real temperance" not only

damages his own body, imperils his own safety, but throws the weight of his influence, whatever it may be, against the welfare and safety of others. When these others are in any way committed to his guardianship, or are peculiarly susceptible to temptation, his responsibility is immensely increased. There is nothing upon which the righteous indignation of the community more heavily and more justly falls than upon the man who teaches vice to others, for example, to children. The most deadly charge against Socrates that malice could invent was that he "corrupted the youth."

No man who practices "real temperance" is free from this sin against the souls of others. Even if he could be supernaturally assured of his own security, nothing could relieve him of the charge of immorality on this account. The power of example is more obscure and subtle than a physical cause, but no less potent. The "real temperance" man is the schoolmaster of the world in the art of drinking.

The degraded drunkard is only a horrible example of alcoholic ravage and any influence he may exert is in the other direction. The men in the intermediate state of "real temperance" are the tempters of mankind. The man who thinks he has a cool head and steady nerves has no moral right to cross a shaky and treacherous bridge when he knows that a proportion of those who follow his example will fall into the stream and be drowned. For the sake of those who will follow his example he should take the safe way. The man who ignores the claims of humanity and does otherwise has the spirit of Cain when he asked the question: "Am I my brother's keeper?"

What is temperance? Anyone may know, and clergymen should know, that temperance as a Christian virtue has no direct, much less an exclusive, reference to strong drink. They should also know that temperance does not necessarily mean the use of anything found in nature or manufactured by man. It consists generally

in the control and regulation of all our appetites and passions in the interest of the higher nature and the efficiency of life. As such it involves total abstinence from all that is injurious to our physical, mental, moral or spiritual nature. It means moderation in the use of the helpful and abstinence from the use of the harmful. It is thus moderation or abstinence according to the effect of the thing involved. If temperance, therefore, requires us to abstain from all that is injurious, as well as to use in moderation that which is beneficial, then we insist, on the basis of the known effects of intoxicating liquors as injurious to every human interest, that temperance demands total abstinence from the beverage use of strong drink. This conclusion cannot be more fitly expressed than in the motto of an Australian society: "Temperance is moderation in things innocent and abstinence from things harmful."

The Livery of Heaven



AMONG the known weaknesses of the liquor men, no one would include a special fondness for ministers of the gospel. The clergymen of the United States, almost without exception, are recognized as opponents of the drunkard-making industry. As such they are the objects of its abuse and sometimes the subjects of its violence. Among the martyrs to the cause of a sober nation are the honored names of not a few assassinated ministers. But one of the invariable characteristics of a prohibition campaign is the unearthing of some man who carries the title of "Reverend" and is willing to act as spokesman for drink. When such a ministerial discovery is made by the saloon outfit they embrace him with open arms, proclaim him with lusty shouts and scatter his utterances broadcast. The whisky allies, as a

rule, are not found in the church, and a saloon preacher is, therefore, an especially valuable campaign exhibit. He is given the royal salute by all the saloonkeepers, dive proprietors, brewers and roadhouse managers. He may draw on his imagination for his facts and upon his fallacies for his arguments, but his title is supposed to carry weight to the popular mind and his position to reflect respectability upon an outcast business.

In a recent campaign we had a sample of this number on every prohibition campaign program. At great expense, the saloon men circulated a pamphlet written by a clergyman as a campaign document. The value of the pamphlet was not in the crudely expressed anti-prohibition sentiments, but in its appeal to Jesus Christ in behalf of the existing conditions and in opposition to the attempted reform. The pamphlet cited the example of our Lord in the miracle at the wedding feast at Cana of Galilee and attempted on that basis to make the Saviour sponsor for the liquor traffic of the

state. The influence of the Name above every name is recognized by those whose business and influence is the greatest single obstacle to the coming of His Kingdom. The pamphlet contained this statement, which is always the substance of the argument: "His first miracle at Cana of Galilee, when at the wedding feast He changed water into wine, doing instantaneously that which He as the God of nature was doing then, is doing now, and will continue to do as long as the precious grape is planted, He very pointedly gave his sanction to the use of wine as one of the most pleasurable and helpful of the products of Old Mother Earth."

It is strange, we may remark, that any friend of Christianity should be anxious to give its sanction to that which civilization recognizes as vile and degrading; and it is passing strange that any minister of the gospel should attempt to place Jesus Christ in the position of sponsor for the modern saloon. It is opposed to the announced purpose of the miracle,

which was wrought, we are told, for "manifesting forth His glory," and it would seem to be a difficult thing for anyone to identify the modern liquor traffic with the glory of Christ. The miracle, moreover, had the effect of confirming the faith of His disciples and it is not very doubtful whether the acknowledged advocacy of the modern liquor business would have the effect of confirming the faith of believers. In addition, in spite of the flamboyant declaration, the interpretation of the incident as giving sanction to alcoholic indulgence is opposed to our Lord's known method of dealing both in nature and in grace; in nature He provides no ale, beer, wine, gin, brandy or whisky, and in grace He teaches us to pray, "Lead us not into temptation."

It is not necessary to say to any intelligent student of the Scriptures that no one can prove that the wine made by Christ at the wedding feast had any intoxicating quality. There are conflicting opinions on the subject, but no convincing evidence.

Where knowledge is lacking we pass into the realm of faith. It is a perfectly safe thing to declare that the Christian conscience revolts at the thought of the Master as a minister of intoxication. It is a foregone conclusion with the vast majority of Christians that no rational sanction for the modern distillery, the modern brewery, the modern winery and the modern saloon can be found in the Cana miracle. It is the general conviction among Christian people that no one without a seared conscience and a debauched mind could imagine that our Lord gives His endorsement to the liquor traffic and its evils in the present day. That would make Jesus Christ the minister of sin.

Further, it is well known that the subject of Bible wines is not a settled question. The dispute concerning their intoxicating qualities is still going on among students. The question is solely one of Biblical scholarship. It is not a problem to be solved by popular vote or by legislative action. Dr. Lyman Abbott, who

takes the position that the Cana wine was fermented, says: "It is certain that there were in use in the Greek and Roman world, and presumptively in Palestine, three kinds of wine—fermented wines, which, however, were unlike our own fiery wines and contained only a small percentage of alcohol, and which were usually mixed in the use with water, in the proportion of two or three parts of water to one of wine; new wine, made of the juice of the grape, and, like our new cider, not fermented and not intoxicating; and wines in which, by boiling the unfermented juice of the grape, or by the addition of certain drugs, the process of fermentation had been stopped, and the formation of alcohol prevented." Men are entitled to their opinions on the subject, but they cannot force those opinions on others, in the absence of definite knowledge, in the interest of the modern liquor traffic.

Waiving the matter of conflicting opinions, let us say that we do not wish to discuss the broad subject on

a technical basis or by citing authority which might be favorable to the prohibition side. Take the interpretation of the incident as given in the campaign documents of the liquor interests. Take the statement, which stands for the common saloon use of the incident, that Christ "pointedly gave His sanction to the use of wine," and the accompanying implication that our Lord by that act is supposed to be on the side of the saloons and the saloonkeepers in the present campaigns. When the appeal is made to what Christ did, accepting the interpretation of the liquor advocate, there are two back-lying assumptions. The first assumption is that, as followers of Christ, we are bound to do whatever He did in accepting Him as our Example. The second assumption is that we are bound to abstain from those things for which we can find no sanction in His life (such, for example, as taking part in a prohibition campaign). The liquorites must be cautioned that they must not appeal to what Christ did in the interest of

the saloon, if they are not willing to recognize the same authority in other matters.

Take Christ's example in citizenship. Christ was a subject of Rome, and by His example and His justification of it in the teaching of the tribute money, "He pointedly gave his sanction" to a monarchical form of government. Would the saloon advocate conclude therefrom that our Declaration of Independence was a sin against high heaven; that our democratic government is to be condemned in the name of Christ; that President Woodrow Wilson should come down from the place of authority while we placed a king or emperor on the American throne? Yet these are arguments that have actually been made in the past by some of our ecclesiastical forebears. When the English Puritan, under the guidance of the spirit of God as the world has come to believe, saw dimly a republican equality, high churchmen used the Bible against him as a weapon. Among other things they said: "The chief apostle says 'Honor

the king'—but this fellow leaves us no king to honor." What we insist upon is that they must not appeal to the action of Christ 1900 years ago in one thing and disregard it in another.

Take Christ's example in churchmanship. He always worshipped in the temple at the feasts and it was his custom to attend the synagogue. He thus "very pointedly gave His sanction" to these institutions. He also observed Saturday as the Sabbath and thus "very pointedly gave His sanction" to the last day of the week. May we ask whether these examples, with their pointed sanctions, have any influence with our pulpit saloon advocates or whether they only urge such sanctions when they think there is wine involved? If they are going to be guilty of a medieval and mechanical teaching of the example of Christ we must hold them to the principle of action they try to lay down for others. The author who makes this kind of appeal must not play fast and loose with his canon of interpretation.

Again, Jesus was a carpenter. By

His calling He "very pointedly gave His sanction" to certain kinds of structures. If He ever built, or helped to build a house, it was a frame structure. Now the wicked city of Los Angeles and other cities have ordinances which forbid frame buildings in certain districts. On the same basis on which they make appeal to the example of our Lord, would the saloon clergymen denounce such building laws as unscriptural and a reflection upon our Lord as a carpenter? Of course, it is absurd, and yet this is the argument made by the pamphleteers in the interest of the saloon as we have it today. They must either stand by their idea of what the example of Christ means or give it up. They must not use it in the interest of the liquor traffic and totally disregard it in other matters and ask us to believe in their sincerity.

One other phase of the subject is peculiarly apropos. Swine's flesh was forbidden as food to Jews, though it was eaten by the surrounding peoples in general. Various reasons are given for the prohibition, such as the foul

habits and coarse feeding of swine, their supposed liability to glandular disease and the popular notion that eating pork was a cause of leprosy. Our Lord was a Jew and it is quite certain that by His example "He pointedly gave His sanction" to this prohibition of pork as an article of diet. If in all matters of eating and drinking we, in this day, are to be bound by what is urged as our Lord's example, what about this matter of pork? Do the clerical gentlemen who insist upon the sanctity of drinking intoxicating liquors, on the basis of Christ's alleged example, abstain from the use of swine's flesh on the same ground? Do they stand in their pulpits and urge their people to eschew the products of the packing houses, and do they denounce pork-eaters with all the resources of a vitriolic vocabulary? Has anyone ever heard of them writing pamphlets against the use of swine's flesh in America because of the pointed sanction our Lord gave the ancient law as a Jew? Do they ever go to vegetarian banquets and

make eloquent after-dinner speeches against the eating of swine's flesh and hold those who do not agree with them up to the ridicule of the assembled guests? We are only inquiring in the interest of consistency. It will make some difference in the weight we attach to their utterances if we discover that they only take our Lord's example seriously when it is alleged to favor their drinking habits.

The other implication of this clerical appeal in behalf of the modern saloon is that as followers of Christ we are not at liberty to do anything, even for social welfare, for which we cannot find sanction in the action of our Lord. The Master did not lead a prohibition movement and therefore Christian citizens are not to interfere with the modern saloon nor to antagonize the liquor traffic of today in the interest of humanity. This is the teaching of the liquor pamphleteers. Where will it land them if they really believe it and try to live up to it? Consider some items bearing on the subject.

Jesus never married and thus He "very pointedly gave His sanction" to celibacy. Are the clerical pleaders for the saloon following what they call the example of Christ in this most important matter? Do they stand in their pulpits and denounce marriage as "non-scriptural and unchristian"? Do they ever write pamphlets against marriage and denounce those who are married? Let it be remembered that in this matter they would have the sanction, not of a single incident of social intercourse at a marriage feast, but of the whole life of our Lord.

Jesus said to the person taken in adultery, "Go and sin no more." That is not the way all such offenders are treated under the law. In our time we send such persons to prison when the courts secure evidence and a good jury. Our Lord by His act, under the terms of the plea for the modern saloon, "very pointedly gave His sanction" to letting them go. Do the gentlemen who come to the rescue of the saloon from the pulpit, denounce the law of the land for punishing offenses

against public decency and home sanctity as "non-scriptural and unchristian"?

There were no women at the Last Supper. According to the appeal to our Lord's example in the liquor pamphlets, He "very pointedly gave His sanction" to the exclusion of women from that sacrament. We are interested to know whether the clergymen who appeal to the alleged example of Christ for the saloon, administer the Holy Sacrament in this respect after the example of our Lord. Or, according to their understanding of the terms when they argue against prohibition, are they "non-scriptural and unchristian" in this important function of the Christian ministry?

All of this is simply to indicate that our clerical pamphleteers, taking their own interpretation of the authority of Christ's example, are either radically wrong or so inconsistent in the application of their principle that they are of negligible worth even as saloon advocates. It moves us to ask what we mean when we talk of the example of

Christ? To do exactly the things Christ did is not, by that fact, to follow His example. To have the spirit of Christ and to do now what He would have us do, is to follow Him. The man who simply attempts to reproduce identical actions is an ape and not a follower, just as a man who simply repeats the Master's words is a parrot and not a prophet. If any man have not the spirit of Christ he is none of His, and God pity the man, clergyman or layman, who can harmonize His idea of the spirit of Christ with the modern liquor business.

There is one more important consideration. We believe in a Living Christ who is head over all things in His church. We do not believe the world has been left without leadership. We believe that Christ still speaks to men—and commissions them for great tasks in the interests of humanity. We believe that we are now under the obligation of preparing the way of the Lord and removing those things which are obstacles in the path of His royal progress. We believe that He

calls men now to do his work as He called Paul and Luther and Knox and Wesley. Christ is not dead and Christ is not absent.

One of the most significant things about the great movement to suppress the liquor traffic and do away with its evils is the fact that so many men and women who give themselves to the cause are loyal to Jesus Christ. The prayers of the godly are against the saloons. The faith of the Christian people includes the victory over the traffic. Our clerical pamphleteers in behalf of rum are not called upon to exercise their priestly functions of intercession at saloon mass meetings. They do not hear thousands of saloon adherents lifting their voices in Christian hymns as they gather for the conflict. To any man who believes in a living Christ and the present-day guidance of the Holy Spirit this mighty movement of millions of devout men and women against the saloon will have a tremendous significance. To any man who believes in a living Christ it will mean something

ominous to the liquor traffic, that there is not a single Christian church that is willing to come out openly and let the American people definitely understand that it is going to stand or fall with the business. All that has a meaning and those claiming to be masters in Israel ought to understand its significance.

Such questions are not to be answered by a clergyman with cheap charges of fanaticism and hypocrisy. That sort of thing may secure applause in certain quarters but not with thinking men. Men who are not Christians will believe that they are more likely to find Christ with the men and women who are against the saloon than with those who are willing to inflict our communities with its evils for the sake of profit. Up to the present time no one has claimed the inspiration of the Spirit of God for the saloon traffic in America. The two causes may be estimated by their personnel and the prohibition movement by such a test will not be put to shame.

Turning State's Evidence



WHEN King Hammurabi issued his edict against the drinking places of Babylon 4000 years ago, no doubt some wiseacres prophesied

failure for the attempt. Some of the descendants of those ancient pessimists are still to be found in the United States. No sooner is a prohibition campaign under way than the saloon claque begins to pound its tom-toms and cry, "Prohibition don't prohibit." It is the most common and most effective argument of the liquor outfit against prohibition. It is accompanied by recitals of violations of law in prohibition territory and prophecies of "blind tigers" in case the people vote out the saloons.

This stock argument of the saloon is profoundly significant and should be carefully considered by American citizens. Our method of settling public questions in the United States is

by the ballot. During all the years of our national history the ballot has spoken the final word on every problem before the American people except one, and that, according to the opposition, is the saloon question. If a majority of the citizens vote in favor of street paving, the question is settled and the streets are paved. The opposing faction does not barricade the thoroughfares nor destroy the contractor's work. If the people vote for a municipal lighting system, the plant is built and nobody interferes. The question is settled by the voice of the people. Now we are told that the liquor evil cannot be dealt with in this way. With atrocious grammar, the sovereign people of the United States are informed that "prohibition don't prohibit." In other words, the business is going right on under our flag without any reference to the will of the people as expressed at the ballot-box. The voice of the people against the saloon, we are insolently told, is only the beginning of a long drawn-out war, in which the saloon is sure to

be triumphant against the forces of government. Only familiarity with such defiance blinds the American people to the serious implications of such a manifesto from the liquor outfit. What does it mean?

It means, first of all, that the American people are face to face with a set of defiant criminals engaged in a dangerous business. The declaration that laws against the manufacture and sale of intoxicating liquor cannot be enforced, carries with it one of the most terrible indictments of the traffic. No friend of the liquor business should hint that the people of the United States cannot prohibit the traffic. Such a declaration is equivalent to saying that we have a class of criminals in the liquor dealers who intend to carry on a business in our country, law or no law. It is a frank avowal that it is a law-defying traffic. That is the real meaning of the dealers and their allies when they tell us that law cannot be enforced against those who are engaged in the business.

It is in keeping with the criminal

practice of the traffic since the foundation of our government. It is noteworthy that the first armed resistance to the authority of the United States was made by the whisky men and that President George Washington had to force the liquor traffic to obey the law at the point of the bayonet. As early as 1794 came what is known in our history as the "Whisky Insurrection" in western Pennsylvania. The uprising was only quelled by calling out 15,000 troops.

It is notoriously a matter of knowledge that those engaged in the liquor traffic have made concerted efforts to break down the prohibitory laws in states and in sections of states, and that any lack of success in enforcement is largely due to the fact that those engaged in the business are criminals. In our courts there is such thing as "state's evidence." One charged with a crime, who waives his privilege against incriminating himself in order that his testimony may be used to convict others implicated with him, is said to "turn state's evi-

dence." Whenever the saloon interests raise the cry, "prohibition don't prohibit," they simply testify to their own defiance of law and criminality of purpose.

This familiar campaign slogan also directs attention to the history which has already been written by those who raise the cry. The practical trial of the prohibition policy in the United States has been interfered with by many and serious difficulties. The national congress has never enacted general prohibitory legislation, and has never, until recently, given support to, or even recognized, the prohibitory measures adopted in states and localities. The attitude of the federal government for fifty years has been that of formal antagonism to prohibition. The government has made the liquor traffic a source of national revenue; our federal machinery has been used to foster the interests of the traffic and those in authority have paid it official deference; the highest tribunal, by its decision in the "original package" case, filled prohi-

bition states with what were called "United States supreme courts saloons"; and the federal government will issue its permits within prohibition territory as well as in liquor localities.

Further, the prohibition states have been surrounded by license states, from which those engaged in the liquor business, under the authority of the federal government, have diligently sought to flood the prohibition districts with liquor. In addition, prohibition has had to contend with political bossism which is always allied with the worst elements, and therefore with the liquor traffic. The garden variety of political boss has never been a prohibitionist. Thus far prohibition in its career has been without cordial political support. There has been no graft in the policy. The result has been that men secretly pledged to the liquor interests, or in voluntary alliance with them, have been chosen to fill the offices most intimately connected with the administration of the law. Thus, while we have a prohibitory law, we have fre-

quently had liquor judges, liquor prosecuting attorneys, liquor mayors, liquor sheriffs and liquor chairwarmers in the jury box. There have been times and sections where the entire machinery of government was in the hands of the representatives of the outlawed traffic. Prohibition, like the saints of God, has come up out of great tribulation.

It is in keeping with the law-defying character of the business that we must also notice the fact that "regulation does not regulate." Many of those who do not favor prohibition come forward during a campaign with propositions for the strict regulation of the sale and use of liquor by law. They are in favor of prohibition for minors and habitual drunkards. They are in favor of prohibition for election days and, perhaps, for Sundays. They are in favor of prohibition during certain hours of the night. They are in favor of prohibition when mobs gather and riots occur and in times of great disaster. But for ordinary times they

call (during campaigns) for strict regulation.

But here we are face to face with the fact that, owing to the natural and inherent tendency of the business to engender and foster a spirit of anarchy, regulation of the saloon does not regulate. Nullification of the law is both the creed and the practice of the average saloonkeeper. Have the saloons under license regulations refused to sell to minors and habitual drunkards? Has the liquor traffic, when operating under the most favorable conditions, refrained from debauching legislative bodies in defiance of strict laws against bribery? Has the legalizing of the saloons ever prevented the operation of "blind pigs," and do not the brewers and wholesalers supply the law-breaking trade just as readily as the licensed dealers? And yet men turn against prohibition on the plea that it does not annihilate, when it is equally true that regulation does not regulate.

In this connection, too, it will be well for our people to consider the

purpose and meaning of prohibition. The primary meaning of the word prohibit is to "forbid"; the secondary meaning is to "hinder" or to "prevent." A prohibitory law never fails to forbid; while by the nature of things a prohibitory law, in itself simply considered, cannot prevent. Why? For the same reason that an ax does not chop or a gun shoot. No law is self-enforcing. A law is simply an instrument, and will no more enforce itself than an instrument like an ax will wield itself. That is the reason we have an executive department in government. The will of the people is expressed in legislation. The statute-book or the constitution are powerless in themselves. They are only effective by reason of executive officials; and they are effective only in proportion to the effectiveness of the executive department of government.

Many seem to think the word prohibition is synonymous with destruction. The law prohibiting the sale of liquor does not annihilate the traffic. Therefore "prohibition don't pro-

hibit." But prohibition is the opposite of permission. Prohibition defines the aim and attitude of government toward a recognized evil. License is a treaty of peace; prohibition is a declaration of war. License is a certificate of legality; prohibition is a proclamation of outlawry. Prohibition always forbids; sometimes it prevents; but it rarely annihilates. This is manifestly true of all kinds of prohibition in this world—those of the divine government, of family government, and of civil government alike. Prohibition does not always prevent, while it always forbids murder, adultery, theft and perjury. In default of prevention the charge lies, not against the law expressing the will of the people, but against the officials who are sworn and salaried to execute that will. Prohibition never fails to forbid and to put government on the right side in a conflict with recognized evil.

It is manifestly absurd to condemn a law because it is violated by criminals. That fact is evidence of the necessity of the law and its honest

enforcement. We must not mistake the treachery of officials and the criminality of the saloonkeepers for weakness in prohibition. The men who denounce the law as a failure ought to denounce the officers as traitors and the liquor dealers as criminals. The failure or the success of the prohibitory law in any community depends upon the honest administration of the law by honest officers of the law. If prohibition does not prohibit, it is only because the sworn officers of the law do not prohibit.

In this connection attention may be called to the fact that there are indications that prohibition does prohibit. Here again we have "state's evidence" from the parties involved. Nothing is more suggestive than the unanimity and the vigor with which those whose political and business interests are identified with the liquor traffic oppose prohibitory laws. The uncompromising hostility of the "trade" gives prohibition a certificate of character from an unwilling source. If prohibition had proved to be a failure we would

expect the liquor dealers to be covertly if not openly in its favor, while all the temperance advocates might be expected to repudiate the policy as ineffective in doing away with the traffic and its evils.

To be sure, some temperance people might be so blindly fanatical as to favor prohibition when everybody else had come to the conclusion that it was a failure. But it is unthinkable that all of those who are engaged in the liquor traffic should be blind to that which helps or hurts their business. A little child ought to understand the evidence in favor of prohibition borne by the bitter and unanimous hostility of bartenders, saloonkeepers, brewers, distillers, winery proprietors, political bosses, and all allied interests. All organizations and all publications and all the great resources of the traffic are combined in a determined assault on prohibition. Their action is louder than their words.

One other item may be presented in statistical form. The yearbook of the United States Brewers' Association

for 1911 gives us the figures. Page 11 of the appendix has a table of statistics showing the number of gallons of intoxicating liquors of all kinds used in each state. The answer to the claim that more liquor is sold in dry territory than in wet will be found in the following figures:

Saloon states, average per capita, 25.23 gallons.

Local option states, average per capita, 4.37 gallons.

Prohibition states, average per capita, 1.35 gallons.

We do not deal much in statistics because of their inaccuracy and variation in factors in different states. But the liquor men may reasonably be expected to stand by figures taken from their own yearbook. We submit that such a showing indicates that prohibition has been doing some prohibiting.

The campaign cry of the saloon interests puts a definite question up to the American people. What are we going to do about it? Accepting the declaration that we cannot enforce law

against those engaged in the liquor traffic because they have no respect for law and will persist in violation, what then? Does anybody seriously propose to create a privileged class composed of liquor dealers who shall be acknowledged to be above the law of the United States—a beer and whisky aristocracy which shall be in no way amenable to the voice of the American people? Certainly not.

If prohibition were an acknowledged failure thus far the fact would be an unanswerable argument against the liquor traffic. It is not safe to tolerate within our civilization a business carried on by practical anarchists. We cannot afford to tolerate a body of men compactly organized, wielding untold millions of capital, manipulating at will all the dangerous elements in our population, defying at pleasure all the laws of state and nation, and exhibiting to all the lawless classes of the community one great example of defiant, triumphant and prosperous lawlessness. To allow this is to legalize anarchy. Whether we prohibit the

traffic or not, we will do wisely to assure ourselves as citizens that law has some meaning and authority for those who are willing to engage in the liquor business. At least, in the interest of self-respect, we should see to it that one of their strongest arguments against any proposed law dealing with the traffic is not that "you cannot enforce it." The American people cannot tamely refuse such a challenge from such a source.

Let it be emphasized in closing our study that there is only one method by which government can effectively deal with a recognized evil—and that is the method under discussion. Legally, the principle of prohibition is the basis of all restrictive legislation. That is the method of the United States in dealing with such recognized evils as slavery, gambling, polygamy, duelling, smuggling, the lottery and the brutal sport of prize-fighting. We are not deterred from passing such laws because they do not meet the enthusiastic approval of those whose business is affected by them. No one

suggests a referendum among horse-thieves, train-robbers, safe-breakers and pickpockets to ascertain if they will be kind enough to inform us what laws they will be pleased to obey. No one should suggest that because an evil is hard to abolish it should be legalized without reference to the mischief it will work among men. We have not yet arrived at a depth of degeneracy in American life where we shall permanently privilege a criminal class.

It should also be said that, while no law is ever a complete success except in the matter of forbidding an evil, the method of prohibition has worked reasonably well on the evils against which it has been directed, and that it is equally effective against the liquor traffic. The principle is in operation now. We prohibit the saloonkeeper from selling to certain classes such as minors and habitual drunkards. We prohibit the sale of liquor once a year—on election day. In some places prohibition is enforced once a week—on Sunday. It works as well as does

any law directed against a criminal class. We believe that the same power that prohibits one day in a year, or one day in a week, or in times of crisis and disaster, can furnish us with a continuous performance for the general good.

The Prohibition Fanatics



IF we were making a collection of epithets, a prohibition campaign would spell opportunity. The liquor squad are given to argument by adjective and exposition by epithet. They illuminate the public mind by characterizing the prohibition forces as "cranks," "hypocrites," "bigots," and similar informational titles. There is one aged and decrepit veteran of discussion which has seen hard service in every campaign—the opprobrious epithet, "fanatic." It is a very convincing method to tag with the label of fanaticism anyone who believes in the abolition of the saloon with all its attendant evils and allied interests.

The purpose of this chapter is the identification of the prohibition fanatics. The outcome of such a quest is in the nature of a surprise. The saloon advocates are sure they know the ex-

ponents of prohibition fanaticism, but the writer has never heard the real fanatics even mentioned by them. The discovery will be one of genuine interest to all concerned.

Strange to say the real prohibition fanatics are not the professional temperance agitators who are frequently masters of the platform; not the preachers who lift their voices against the saloon in behalf of suffering humanity; not the sweet-faced old ladies who wear the white ribbon of the Woman's Christian Temperance Union; not the third-party remnant composed of those who are content to "lose their votes" year after year in bearing political witness against a monstrous evil; not the few legislators who glut the pigeonholes of unsympathetic committees at national and state capitals; and not the majority of the voters in sovereign states who have decreed prohibition for great commonwealths. These, strange as it may seem, are not the prohibition fanatics. That species must be sought elsewhere.

As an evidence of fanaticism the wets charge that prohibitionists are trying to dictate what men shall eat and drink. There is no truth in the assertion. It would be just as true to declare that all those who vote wet are trying to perpetuate the winerom, the gambling den, the political corruption and all the vice, crime, pauperism, disease and death which are the inevitable outcome of the saloons in any community. The prohibitionist does not attempt to say what a man may eat or drink. He may eat decayed rats or drink cellar-poison in the fullest enjoyment of "personal liberty." The prohibitionist is interested in what a person makes and sells. He insists that when it comes to selling certain things in the open market the act ceases to be an individual matter and becomes a social problem.

The right of any man to drink intoxicating liquors under conditions which do not interfere with the rights of others is not challenged. But the ordinary, garden-variety of prohibitionist says that a man ought not to

be allowed to carry on a money-making traffic in diseased meat, infected milk, rotten vegetables, dangerous drugs and destructive explosives. That is a matter of public welfare. Prohibition only says to men: "Thou shalt not sell." None of those who are commonly branded as fanatics have gone so far as to say to individuals: "Thou shalt not drink." The prohibitionists are against the traffic. But there are those who go to the far extreme of saying to men: "Thou shalt not drink," and these are the simon-pure fanatics of the prohibition cause. It will be interesting to study the species.

The whirling dervishes of prohibition fanaticism are the men who administer the great railroad systems of the United States. They are leagues in advance of the narrow and bigoted preachers, the third-party voters, the temperance-union women, and all the other cranks who vote to abolish the traffic. These are only asking that the state forbid the distiller and brewer to manufacture and

the saloonkeeper and bartender to sell. But these railroad magnates are so fanatical on the subject that they have actually issued orders to hundreds of thousands of free American citizens saying that they must not drink intoxicating liquors. Indeed, these railroad operators are such prohibition fanatics that they actually discharge their employes if they are only seen going into or coming out of a saloon, even when off duty.

Here we have prohibition in its most drastic form. These railroad fanatics have established a system of espionage on many of the roads to make sure that their prohibition prohibits. The Pennsylvania railroad has its men thoroughly terrorized. It reports that 125,226 observations were made in February of last year to determine to what extent employes were prohibited from drinking or frequenting saloons, and not one man was found who disobeyed the rule. Not long ago the Pittsburgh & Lake Erie road discharged 126 men in the enforcement of this rule. And these

fanatical outrages are perpetrated in the name of human safety!

O, brothers, this is sad! Here in America, the land of the free, hundreds of thousands of those who have as good right to get drunk as any man, are under a fanatical prohibition terrible to contemplate. Level-headed business men at the head of the greatest enterprises have developed a fanaticism exceedingly painful to those of broad and liberal mind. Who would have thought that narrowness and bigotry of such a character would be found entrenched in the general offices of the railroad systems of the country? Who would have dreamed that such men as these would have sacrificed the sacred rights of the individual in the supposed interest of safety and efficiency? It is time to view with alarm.

Another band of prohibition fanatics is composed of the heads of great industrial corporations who are large employers of labor. These fanatics are fairly running amuck. The operators of many of the great industrial

plants are so narrow and bigoted that they will not allow their workingmen to drink intoxicating liquors on or off duty. For example, the Cambria Steel Company and the Hershey Chocolate Company have recently gone extra dry and decreed absolute prohibition for their employes. The outrages inflicted by these fanatics are of the most flagrant character. In February, 1914, the following notice was posted in the Berwick (Pa.) plant of the American Car and Foundry Company: "Workmen frequenting drinking places coming to or going from their work will be replaced by non-drinking men as rapidly as possible." Another blow to liberty! The Philadelphia Quartz Company has served notice that total abstainers will receive 10 per cent more wages than those who continue to exercise their personal liberty in patronizing the rum-shop.

The frenzied utterances against a licensed and lawful business from these fanatics is painful in the extreme to all sane and conservative minds.

The general superintendent of the Berwick plant, W. S. Johnson, said: "We did not realize until the last three months that the drink habit was responsible for a lot of our accidents." A car manufacturer said: "We know now that the most of our accidents are due to whisky." The same man, in one of his wildest moments, declared: "Take it from me, booze has got to go. We are not much interested in the moral side of the matter as such. It is purely a matter of dollars and cents. They say corporations have no souls. From this time forth corporations are going to show mighty little soul toward the man who drinks." Think of such intolerance of spirit in America of the twentieth century!

The devilish ingenuity of these corporation fanatics in piling up what they call evidence against the traffic is enough to make the angels watching over the saloon dissolve in tears. They solemnly declare that Monday following the weekly day of rest, with its usual indulgence in liquor, is the

dreaded day of disaster in the mills. They have gotten out charts showing the curve of accidents for every day. The "peak" shows that 10 o'clock in the forenoon and 3 in the afternoon, just long enough for drink to produce its effects after the morning and noon drams, are the dangerous hours for men and machines. Further, they claim that rigid investigation by unbiased experts as to the cause of accidents in scientifically managed plants, have unfailingly traced the blame to operators visiting nearby saloons during the lunch hour, or slipping out across the alley during an idle moment. What great industry, necessary to the prosperity of the country, will be able to withstand the suspicion and antagonism generated by such statements from such sources?

This contagion of fanaticism has broken out across the seas. As everyone knows much of the sweetness and light of Russian peasant life have been due to vodka, the national drink. At the beginning of hostilities the government prohibited its sale as a war

measure. Now, claiming a marvelously improved condition since the order went into effect, the announcement is made that the tyrannous edict will be continued indefinitely after the end of the war. It is declared that the startling regeneration of the peasantry is likely to have an important effect on the social and economic conditions in Russia. We have heard much of the horrors of war, but who would have imagined that it would bring anything like this?

The great leaders in the continental struggle all seem possessed of a certain fanaticism in this matter. The czar has earnestly warned his soldiers against the use of liquor. The German kaiser has issued drastic orders against excessive drinking among his men. Lord Kitchener sent his British troops oversea with an earnest warning against the dangers of drink. In many of the English towns they are closing the public houses, thus depriving the soldiers of a source of courage and the bereaved of a source of comfort. Of course, we cannot throw

stones. Just as soon as a crisis occurs here such a a disaster in San Francisco, a strike in Colorado, a flood in the Mississippi, some fanatic with a little brief authority closes the saloons by force. It is little wonder if the people at large come to the belief that what may be done in times of danger may also be advantageous in times of peace and prosperity.

Philadelphia is the headquarters of one of the most dangerous prohibition fanatics. He is known all over the country as Connie Mack, the manager of the Athletic baseball team of the American league. He says: "All the umpires together haven't put as many ball-players out of the game as has Old Man Booze." Some time ago he said. "Keep in mind, though, that steady — moderate — drinking gets a ball-player in the end just as sure as boozing." And again: "Five years ago I would take a man who drank, provided I thought I could handle him and gradually break him of the habit. Now I wouldn't bother with a youngster who drinks." Anyone can read-

ily understand the dangerous character of such statements. If the idol of every vacant lot in the country succeeds in getting the American boys to believing that they cannot succeed in baseball if they drink, it means a great loss of custom to the saloon. It is all the more harmful to the great industry on which the prosperity of the country depends, because this man Mack has just succeeded in winning another pennant.

Time would fail us to point out the real prohibition fanatics. They are to be found in such unexpected places. The trainers of prize-fighters are among the worst. They will not allow any indulgence to the poor fellows they are training for the ring. They declare that total abstinence is necessary to physical condition and great endurance. The trainers of football squads have the same perverted notion. Recently employers in this very city have discharged men who patronize the institution which they say must be preserved in the interest of business. So great is the contagion

of fanaticism when once it gets a foothold that there are some fanatical prohibitionists of the extreme type among the saloonkeepers—that is to say, they will not allow their bartenders to drink. It is like measles or smallpox, no one can tell who will be infected next, and one of the worst features of the whole case lies in the fact that many of the fanatics do not seem to realize that they are the victims of the dread disease of prohibition.

All of which is intended to illustrate what was said in the beginning, that the real prohibition fanatics are not the bigoted preachers, the ignorant women, the hypocritical reformers, the cranky third-party voters, or even the majorities which forbid the manufacture and the sale of intoxicating liquors in many of our states. The genuine fanatics are these people who, in increasing numbers, for various reasons, insist that men shall not drink under such penalties as they are able to visit upon them. The rapid increase in the numbers of these fanatics is cause for alarm—in certain quarters.

The Sacred-Cat Stratagem



WHEN Cambyses, the Persian, invaded Egypt he employed a shrewd stratagem against the defenders of the country. He won by taking advantage of the superstitions of the dwellers on the Nile. He knew the Egyptians were cat-worshippers. He therefore equipped his army, not with swords and shields, but with swords and cats! The tumultuous wailings of their feline deities unnerved the Egyptians when the Persian legions came within hearing distance. They could not strike the enemy, as they thought, without attacking their gods. So they threw down their arms and gave themselves and their country over to subjection by a cruel and relentless foe.

The Persian tactics are adopted by the saloon interests in prohibition campaigns. Liberty is a sacred word word in American ears. It sounds a

note of tremendous appeal. It carries the authority of our finest traditions. The result is that the champions of the saloon run up and down before the American people chanting the national shibboleth in the hope that liberty will be identified with liquor. No sooner is a prohibition campaign under way than the air is clamorous with the cry of liberty. There is at once an evident attempt to get the average citizen to go to the polls drunken with a false idea of liberty in order that the saloon may be given a longer lease of life. It is a modern adaptation of the strategy of Cambyzes.

We Americans have enjoyed liberty so long that many of us do not know the history of our heritage, the nature of our possession or the guaranties of our charter of freedom. We have a multitude of citizens who cannot distinguish between liberty and license. "Personal liberty" is a meaningless phrase which is used by the liquor advocates as an appeal to vanity and stupidity. A few years ago a

young woman, recently arrived from over the waters, was brought into court charged with the murder of her infant babe. When questioned, she readily admitted her guilt, but naively added: "I thought this was a free country!" The understanding of the unfortunate young woman well represents the liquor advocate's un-American idea of liberty. Our prohibition campaigns will perform a double service if, in addition to the suppression of the liquor traffic, they shall result in the diffusion of a true conception of liberty. It is not too much to say that the American nation is just now suffering from the lack of knowledge on this most vital subject.

Some shibboleths remain at work long after their historical task is accomplished. The hoary-headed slogan "personal liberty" is a case of such survival. The cry is a reminiscence of an epoch long since past. It goes back to the time when governments were the private properties of kings and aristocracies. Naturally the people resented the encroachments of

such a power. The progressives of the time were on guard against interferences with their liberties, because such interferences were usually for the strengthening of an existing tyranny or the increase of tribute exacted by the ruling class.

The progress of the people is indicated in history by their achievement of rights. From time to time they wrested certain prerogatives from the sceptered hands of their rulers and the rights of the kings gradually became the rights of the people. As a result of this historical process there are certain rights reserved to individuals by our constitution which cannot be disturbed even by majorities. Our courts jealously guard these rights. The founders of our government made the amplest provisions for the civil liberties of the people, and if a law is passed that conflicts with such liberties our judiciary promptly declares it null and void.

Given a government "of the people, for the people, and by the people," and a system of jurisprudence based on the

rights of the individual to his life, freedom and property, and it is readily seen that we are likely not to need any artificial stimulus on the subject. In fact, we have magnified the idea of liberty to such an extent that we are essentially a lawless people. We are so enamored of our claim to "life, liberty and the pursuit of happiness" that we forget that "to secure these rights, governments are instituted among men," as the Declaration of Independence immediately declares.

It is no exaggeration to say that we have lived to see liberty transformed into one of the greatest obstacles in the way of justice and progress. For two generations every plan for human betterment has been challenged in the interest of the rights of the individual. Not once, but innumerable times, humanitarian measures have been pigeonholed in committee or amended into uselessness on the plea of the infringement of individual rights. The favorite forum for the obstructionists in the sacred name of liberty has been the United States senate. Child labor,

safety devices, business regulations, pure food laws and every other piece of proposed legislation for social welfare has had the declared apostles of liberty in opposition. Once the lovers of humanity had to fight for liberty; now the lovers of humanity have to fight against the interpretation of liberty held by lust and greed.

What is liberty? Ask the author of the most influential treatise on law in the English language. Turn to the volumes which were the foundation of legal education in America for a hundred years. Blackstone describes liberty as of two kinds—natural and civil. Natural liberty “consists properly of acting as one thinks fit, without any constraint or control, unless by the laws of nature.” Civil liberty, that liberty which belongs to a member of society, he defines as “no other than natural liberty so far restrained by human laws (and no farther) as is necessary and expedient for the general advantages of the public.”

The distinguished author points out the obvious fact that “the law which

restrains a man from doing mischief to his fellow-citizens, though it diminishes the natural, increases the civil liberty of mankind." We have civil liberty because we have surrendered personal liberties for the social welfare. One of the best definitions of personal liberty in America was given by a German speaker to a German audience, when he declared that the personal liberty of the American is the liberty to act without molestation within the limits of the law. There can be no such thing under our government as the personal liberty of the prodigals and politicians.

This distinction between natural and civil liberty can be illustrated in many ways. The natural liberty to build a wooden dwelling belongs to me, but civil liberty does not permit it in densely populated districts. It is forbidden in the interest of the general welfare. The man of nature can go naked but we have no civil liberty to strut the streets in a nude condition. The natural man is at liberty to jump and shout, but under civil liberty he

is punished if he exercises his lungs and legs in such manner in a public assembly. In organized relations the good of society and not the will of the individual is the supreme law.

This difference between natural and civil liberty, which is the difference between the untamed savage and the civilized man, indicates the difference between the opponents and the advocates of prohibition. The prohibitionists simply ask that in the abolition of the traffic the natural liberties of men shall be subordinated to the social welfare. This is the fundamental law of social existence. Personal liberty, in the sense in which it is used by the defendants is the law of the jungle. It would do for hyenas but not for humans. In obedience to the higher law of civil liberty all evils are abolished and all nuisances are abated. Personal liberty cannot be urged against the prohibition of slavery, race-track gambling, the "white slave" traffic, street garbage, speed limits, or any such things, because the public welfare demands them. The only ques-

tion before the people of America is whether the traffic in intoxicating liquor is injurious and whether its prohibition would minister to the public good.

When these barroom judges hand out their crude opinions as to "personal liberty" and constitutional guaranties, it becomes our civic duty to remind them that we have an institution in our country known as the supreme court of the United States. That highest of all tribunals passes upon all such controverted points and, under our system of government, says the last word on them. The supreme court has been asked whether the prohibition of the traffic in intoxicating liquors is an undue interference with personal liberty. That great and conservative tribunal has answered with an authoritative and emphatic negative. That answer has been given by the supreme court not once, but repeatedly; not by a bare majority of the judges, but without dissent; not on technicalities, but on consideration of all the broad and general aspects of

the subject. Not only so, the supreme court answered the question by calling attention to the mighty evils inseparable from the liquor traffic, and justified prohibition as harmonious with the paramount purpose of wise and efficient government, which is the promotion of the public welfare.

One of the notable decisions of the supreme court on the subject was rendered in the case of Henry Christensen, in November, 1890. Christensen was a San Francisco saloonkeeper who had been arrested for selling liquor without a license. The United States circuit court of California had rendered a judgment in his favor, on the ground that a city ordinance which made license dependent upon the written consent of a certain number of property owners was in conflict with the constitution of the United States. This judgment the supreme court reversed. To give the greatest possible weight and significance to the decision, it was written by Justice Stephen J. Field, the one member of the court

whose views were supposed to be inimical to prohibition.

Referring to the argument of the attorneys, that the man who drank to excess suffered an injury voluntarily inflicted and that such injury was confined to the party offending, and the effects offered no ground for the restriction of the sale, the decision said: "There is in this position an assumption of fact which does not exist, that when the liquors are taken in excess the injuries are confined to the party offending. The injury, it is true, falls first upon him in his health, which the habit undermines; in his morals, which it weakens, and in the self-abasement which it creates. But as it leads to neglect of business and waste of property and general demoralization, it affects those who are immediately connected with and dependent upon him."

That same decision gave an everlasting quietus to the "personal-liberty" plea as against prohibition in the following words: "The police power of the state is fully competent to regu-

late the business, to mitigate its evils or to suppress it entirely. There is no inherent right in a citizen to sell intoxicating liquors by retail; it is not a privilege of a citizen of a state or of a citizen of the United States. As it is a business attended with danger to the community, it may, as already said, be entirely prohibited, or be permitted under such conditions as will limit to the utmost its evils."

This is the point—the men who are raising the cry of "personal liberty" against prohibition are setting their opinions against the matured and oft-repeated decisions of the supreme court. If they are lawyers they know there is not a court under our flag that would uphold their assertions. If they are laymen we can only hope to give them information. The assurance with which the liquorites raise their cry of personal liberty against the constituted authorities is characteristic of the lawless character of the whole outfit. The barroom faction has never had any respect for legal authority. We have simply a word to say to those

citizens who wish to be considered intelligent and law-abiding, and yet repeat like parrots the phrase of "personal liberty" against prohibition. They do not know or they do not care. In one case they are ignorant; in the other, they are lawless. In neither condition are they entitled to American respect.

There is another consideration of weight in this connection. No one is in favor of an unregulated and unrestricted traffic in liquor. A speaker before a city club, after wasting adjectives against prohibition, proposed a remedy for the evils of drunkenness without "depriving the American citizen of his personal liberty." And what do you imagine he suggested? He said: "The board of supervisors can make such rules to guide the saloons as strong as they please. They should establish that intoxicating liquors should not be served to drunkards or quasi-drunkards, or to minors, and not to permit gambling or any disreputable person on their premises, and such other regulations as they

please." Of course, it does not make any difference what the regulations are as long as those concerned have no intention of obeying them. The gentleman knows, or ought to know, that such regulations are already passed and are persistently violated. He knows that the whisky outfit fight like wildcats over every attempt to reduce them to a semblance of decency and order by regulation.

But here is the significant thing in all suggestions to make the presence of the saloons bearable by regulation. Regulation and restriction as well as prohibition are an abridgment of what they call "personal liberty." Closing at midnight abridges personal liberty until morning. Stopping the sale to drunkards is a limitation of personal liberty. Declaring that certain disreputable persons shall not be allowed on the premises is an interference with personal liberty. Barring minors from the privileges of drink is an attack on personal liberty. Every regulation and every restriction of the traffic is as much an infringement of what they

call personal liberty as is prohibition.

The advocate of strict regulation surrenders his case on the plea of personal liberty and logically commits himself to the principle of prohibition when he asks that the saloonkeepers shall be put into legal straitjackets. For what purpose do they ask for strict regulation under the law? For the protection of the public. For what purpose do we ask the prohibition of the traffic? For the protection of the public and the welfare of the state. The question to be decided by the voters is the best method for the promotion of the social welfare.

The consistent personal liberty advocate must stand for a liquor trade as free and untrammelled as the trade in groceries and dry goods. Just as soon as he begins to urge strict rules and stringent regulations he gives his case away. For every such restriction is an abridgment of what he is pleased to call personal liberty. When he urges the continuance of the saloon with added safeguards in the way of restriction, he admits the dangerous

character of the liquor traffic and the necessity of protecting society from its evils. He thus abandons his doctrine of personal liberty and comes around to the prohibition theory of legislation for the common defense and general welfare. If a prohibitory law gives more protection than restrictive measures he cannot consistently withhold his support. To fulminate against a prohibitory law in the name of personal liberty, and at the same time insist upon a severely restrictive law, is to be both amusing and illogical.

From what has been said it will be seen that, in raising the cry of "personal liberty," the saloon interests of America are repeating the sacred-cat strategem of Cambyses. It rests with the intelligent and patriotic voters to say whether it shall succeed here as it did in ancient Egypt.

The Decoy Ducks



OME MEN vote against prohibition as a vindication of their sacred right to get drunk; others would give an eternal charter to the saloon because of their consuming desire to get dollars. The first class may be identified by its clamorous professions of "personal liberty"; the second class may be known by its abject devotion to what it calls "business interests." Both of these groups are bombproof to all appeal and argument. The person who puts his pocket or his appetite above the general good is not moved by any humanitarian considerations. When you talk about men he is thinking about money; when you speak of boys he is dwelling on beer; when you present the welfare of girls he is estimating the income on grapes. All such are as intimately identified with the saloon as the saw-

dust on the floor or the sour smell in the atmosphere.

The deciding votes will be cast by those who are not interested in the pleasures or the profits of the traffic. The attorneys of the liquor interests direct a shrewd campaign to win their ballots. It is significant that no voice is lifted in support of the saloon. Its continuance is not urged by the opposition as being an institution exerting a wholesome influence upon the public health, the public morals or the public safety. The real issue must be be-fogged. Prohibition must not be discussed on its merits. This is accomplished by the introduction of foreign issues.

The liquor traffic has shrewdly contrived the formation of many alliances with legitimate business interests. It pools its interests with commercially "allied trades," such as glassmakers, bottlers, coopers and the manufacturers of brewery machinery and bar fixtures. It also enters into close alliance with such legitimate industries as the production of hops, grapes, bar-

ley, corn and other raw materials used in brewing and distilling. Moreover, it enters into political affiliation with the more dangerous elements, such as gambling and all the forms of organized vice which have a common purpose in opposing the enforcement of law; with unscrupulous political machines that are ready at all times to sacrifice the public interests to secure the liquor vote; and with all the predatory interests seeking special favors from legislative bodies or trying to block hostile legislation. There is a natural affinity between the liquor interests and every bad and dangerous element in our national life.

But the alliances that are exploited in prohibition campaigns and that are the dangerous obstacles in the way of suppressing the traffic are those with legitimate interests and industries. These are the stalking-horses of the saloon. They are forced to bear the brunt of every assault on the saloon by being pushed forward into the firing-line. In California you will find the saloonkeeper hiding out behind a

grapevine; up in the Northwest and elsewhere you will find him secreted in a hop-field; elsewhere you will find him in the barley-patch or the cooper-shop. Always he tries to place legitimate industries between the saloon and the voters, and it must be acknowledged that the ruse has been attended with tremendous success in many instances.

The result is that the people are always implored to perpetuate the saloon with all its attendant evils in the interest of those who are engaged in some kind of legitimate business. The forces of business and industry are marshalled in defense of the saloon and resentment is aroused against reformers who are described as burning the house to get rid of the rats. Prophecies of the most distressful description are made as to the business effects of inaugurating the policy of prohibition; organizations are forced or cajoled into making protests against the attempt to suppress the liquor traffic; financial authorities are made to wag their heads sadly over

the deplorable action of the radicals which will disarrange business conditions; and the people generally are summoned to a holy crusade in behalf of bread and butter.

The one object, of course, is to save the saloon. The merits of the case are thus obscured by the campaign tactics. The people frequently do not see the true character of the issues involved. The strategy is worthy of the cause. It would turn a movement for universal peace into an effort to conserve the profits of gun factories and powder-mills. It reminds one of Emerson's mention of Cape Cod opposition when it was proposed to build a lighthouse, because "it would injure the wrecking business." What is the answer?

In the first place, let it be emphasized that no occupation and no business dependent upon the saloon, the brewery or the distillery has any more claim upon the public than is represented by the license of the saloon-keeper to sell or the license of the brewer and distiller to manufacture. When a man gets a license to sell in-

toxicating liquors what does he get? He gets permission to sell under certain conditions for one year by payment of a specific sum of money. When the license term expires and the licensee has been allowed to sell according to agreement, he has received all he paid for. He has no further claim. No man can demand a saloon-keeper's license as a right. It is a privilege and not a right. He has the right to ask and the state has the right to refuse.

It is absurd to argue that, because the state grants a privilege once, it is bound to do so to the end of time. The very power to grant or refuse includes the power to withdraw. Otherwise the state could act in only one direction. No one questions the right of a community to restrict the number of saloons; to banish saloons from certain streets and districts; and to discontinue the issuance of licenses at will. This right is always recognized by the saloon spokesmen in a campaign for prohibition. One of their stock arguments against prohibition

is that the people of any community can rid themselves of the obnoxious saloons by means of local option. To be sure, they will fight local option legislation to the bitter end, but they will always urge it as against prohibition.

When saloons are abolished by refusal to renew licenses, no one argues that the landlords have any claim against the people for loss of rentals; that the bartenders ought to collect wages from public funds because the change of policy has thrown them out of jobs; no one claims reimbursement for bottle-makers or manufacturers of bar fixtures. But in prohibition campaigns the people are always asked to perpetuate saloons in the interest of the small percentage of their profits which goes to some of the allied industries.

The supreme court of the United States has rendered its decision on the legal aspect of this subject. On the 5th of December, 1887, the court handed down its findings in cases which were appealed by the state of

Kansas. Justice Harlan read the decision, which was concurred in by Chief Justice White, and Justices Miller, Bradley, Matthews, Gray and Blatchford, Justice Field alone dissenting. The question of legal claim on the state by those affected by prohibition was settled in solemn and explicit declarations. The cry of "confiscation" was raised before our highest tribunal and there it was laid to rest.

Among other things the decision said: "The principle that no person shall be deprived of life, liberty and property without due process of law was embodied in substance in the constitutions of nearly all—if not all—of the several states at the time of the adoption of the fourteenth amendment, and it has never been regarded as incompatible with the principle equally vital, because essential to the peace and safety of society, that all property in this country is held under the implied obligations that the owners' use of it shall not be injurious to the community."

The decision also further said: "It is true that when these defendants purchased or erected their breweries the laws of the state did not prohibit the manufacture of intoxicating liquors. But the state did not thereby give any assurance or come under an obligation that its legislation on that subject would remain unchanged."

It was further declared: "If the public safety or the public morals require the discontinuance of any manufacture or traffic, the hand of the legislature cannot be stayed from providing for its discontinuance by an incidental inconvenience which individuals or corporations may suffer." The full text of the decision can be found in 123 U. S. 623.

This is the answer given by the supreme court of the United States to the contention that prohibition will work "a gross injustice" to those who have planted hops, invested in vineyards, built bar-fixtured factories, or in any way have allied themselves in a business way with the liquor traffic for the sake of profit. It is to be noted

that the strongest argument in behalf of the perpetuation of the liquor business was thus effectively overthrown by the United States supreme court more than a quarter of a century ago.

The legal status of the winegrowers and other interests allied with the saloon having been definitely settled by the highest tribunal, what about the moral claim of the saloon and its allies? There are moral obligations which cannot be enforced by law. Are the people of the United States morally obligated to put up with the saloon and all its evils in the interest of the allied industries? If they are, then everybody ought to vote against the prohibition of the liquor traffic. The advocates of the saloons always insist upon this moral obligation. Their argument is to the effect that having tolerated the saloons in the past we have mortgaged ourselves to the outfit for the future. One instance will cover the argument for all. The attorney for the winegrowers of California, for example, came before the people in the last campaign and de-

clared "the good faith of California is now at stake." The answer made to this claim will be sufficient for all similar arguments everywhere.

In the first place, we say that the saloon and all those sharing its profits never had any moral right to inflict the people of the country with its evils. In the California case of Henry Christensen, the supreme court of the United States said in a decision written by Justice Stephen J. Field (137 U. S., page 86): "By the general concurrence of opinion of every civilized and Christian community, there are few sources of crime and misery to society equal to the dramshop, where intoxicating liquors, in small quantities, to be drunk at the time, are sold indiscriminately to all parties applying. The statistics of every state show a greater amount of crime and misery attributable to the use of ardent spirits obtained at these liquor-saloons than to any other course." We insist that no business producing such results has any moral right. We further insist that it never did have

any moral right. And we still further declare that the partners in such a business as allied interests of any kind never had any moral right.

In the second place, we declare that "the good faith of California is at stake," not in the sense in which the statement was made by the winegrowers' attorney, but in the higher sense which has to do with the very purposes of government. The "good faith of California" is pledged to the common good and the general welfare of all the people of the commonwealth. The "good faith of California" is pledged to the protection of women and children. "The good faith of California" is pledged against all enemies from the pests that destroy our orchards to the saloons that destroy our homes. The "good faith of California" has always been at stake in this matter. If she has failed heretofore to serve the ends of government in this respect, this is her great opportunity. The moral right is on the side of the state as against the allied liquor in-

terests, and not only the moral right but the moral duty.

In the third place, if the associated industries have such a claim, then it must be acknowledged in behalf of all others concerned. The principle will apply equally under license or prohibition. It means that the liquor-seller denied a license would have a just claim to be settled; that the landlords would hold the community for loss of rent when the number of saloons was restricted. There have been instances where towns were so anxious to be rid of the obnoxious institution that they have paid liquor-sellers to get out, but the claim of such compensation has never been allowed by court or conscience.

In the fourth place, if we are going to discuss the question on a moral basis, then we insist that the liquor traffic is morally obligated for all the injury it has inflicted upon the people. Of this staggering indebtedness the allied interests must shoulder their share as partners in the business. The people have taken care of saloon pau-

pers, saloon insane, saloon widows and orphans, saloon sick and disabled, saloon crime and criminals and saloon distress and death. The people have an enormous bill of damages, founded in all justice, against the traffic and all those connected with it. If we are going to arrange the matter on a moral basis we must be allowed to present this bill and insist on payment. Mark well, we say we will present the bill if there is to be high talk about "good faith" and if we are to consider the moral obligations of the parties involved. The financial beneficiaries of the traffic have much the better of the bargain when they are simply told to quit by a vote of the people. No one would dream of making an appeal to the "good faith" of the liquor interests.

It is also to be remarked and emphasized that those who are mixed up as profit-sharers with the liquor business cannot plead surprise and snap-judgment in any pending campaign with a semblance of truth. One of the favorite arguments of the liquor

advocates is based on the alleged fact that the saloon and its allies have been caught unawares by a sudden uprising and an appeal to the American sense of fairness is never without effect. To hear their spokesmen in a campaign one might imagine that they had just been rudely awakened to the fact that the traffic and its allied interests are endangered by advancing knowledge and changing sentiment. What are the facts in the case?

Agitation and organization have been directed against the liquor traffic constantly for over a century in this country.

Since 1846 state after state has passed prohibitory laws, and at the present time there is prohibition in force or enacted in eighteen of our sovereign states.

During that same period of time, county after county and community after community have prohibited the liquor traffic to the extent of their power.

At the present time fully one-half of the population of the United States

is living in dry territory and one-half of all the people now living in license territory in the United States live in four states—New York, Pennsylvania, Illinois and New Jersey.

Since 1847 the United States supreme court has ruled that any state may outlaw the traffic as dangerous to health, morals and safety without any claim to compensation on the part of those who are incidentally inconvenienced thereby.

In brief, for over half a century any man of ordinary intelligence in the United States has known that prohibition was a possibility. There has been the amplest notice served upon the traffic and all its allies. It has been such a notice as all business men are supposed to observe—the signs of the times. It has been repeated incessantly. It has been underlined. It has been printed with scareheads and in loud colors. The very men in the business have prophesied its end.

Under such circumstances any man who has planted wine-grapes or hops, built factories for manufacturing

brewing machinery or bar fixtures has gambled on the continuance of the moral obtuseness of the people, and every such business or industry is a token of contempt for the moral character of the commonwealth. Instead of exciting any sympathy among right-minded men it ought to arouse their indignation.

It may be emphasized in closing that prohibition does not propose to confiscate any man's property to the value of one dollar. It only denies the right of any man under the law to use his property against the general good. It further declares that property engaged in or allied with the saloon must not be used hereafter for the purposes that heretofore have inflicted great injury on the people. It denies that the conferring of a twelve-months license to liquor-sellers has conferred upon the traffic an eternal right regardless of the wishes of the people. It denies that the people, by their toleration of a recognized evil over long terms of years, have forfeited any rights of legislation on the subject, legally or

morally. It declares that the state is competent to change its policy in any direction demanded by the public good and at any time when the public so decides through its constitutional organs. It further declares that the time is ripe for such a change in respect to the liquor traffic and that the change demanded by every consideration is prohibition.

The "Poor Relations"



URING a prohibition campaign the saloonkeepers pose as the patrons of labor. The people are urged to vote against the prohibition of the liquor traffic in the interest of the working man. The saloon's right to live and continue its work in the social order is based upon a payroll. The attorneys of the liquor interests and the advocates of things as they are paint dark pictures of unemployed workmen with suffering families in case saloon doors are shut by the voters.

The interests of labor are deemed important by the intelligent citizen. The working men constitute the great majority. That which is detrimental to physical health, intellectual life, material prosperity, public morals and domestic happiness is most hurtful to them and to those dependent upon them. Whatever harms and hinders

one class hurts the whole social order. The cry of the saloon in behalf of the workers has been influential in persuading hundreds of thousands of sober men who never patronize the saloon to vote to retain the traffic in intoxicating drink. The subject is one to be carefully considered by any man who would cast an intelligent vote.

Two facts must be admitted by those who favor the prohibition of the manufacture and sale of intoxicating liquors. First, the liquor traffic does give employment to men; and, second, the adoption of prohibition would throw these men out of employment temporarily. These are facts and admitted as such. But when we are asked to give the saloon longer lease of life because it has a payroll and its employes would suffer loss and inconvenience by reason of prohibition, the whole question of labor and liquor is opened up for consideration. Having frankly admitted the facts of employment, regardless of the cry that "prohibition don't prohibit," and that it takes as many men to run the proph-

esied "blind pigs" as to carry on open saloons, there are some things to be said on the whole subject.

First of all, and most emphatically, the mere fact that a so-called business employs men does not justify its existence nor entitle it to the moral and political support of decent citizenship. In fact, the more persons employed in certain activities the worse for everybody concerned. This proposition does not admit of denial.

The business of war is just now furnishing active employment for nearly all the young and able-bodied men on the continent of Europe. Is there anyone ready to defend the bloody business of war on the ground that it gives employment to a great multitude of men?

The "red-light" districts of our cities furnish employment, more or less profitable, for a large number of human beings. Is the brothel to be morally or economically defended on that ground? Ought the "white slave" traffic to have our support because it employs men and women?

The institution of slavery furnished employment on an enormous scale, but no one is rushing to the defense of that defunct institution with an employment argument. Just as soon as you claim justification and support for any trade because of employment, there are some questions to be asked and answered in the true interests of labor.

Does the business under discussion, by its damaging and demoralizing effects, prevent to a greater extent than it promotes the employment of labor?

Does the business tend to destroy the value of labor by depreciating its quality or to diminish the gains of labor by incapacitating the working man?

Does the business raise or lower the moral, social and physical status of the working men who are directly employed, or those by whom it is regularly patronized?

We repeat it—no business can commend itself to the moral sense and good will of the people simply because it furnishes employment. No busi-

ness has claim to moral and political support in proportion to its payroll. That was the verdict of the United States in doing away with the lotteries. We are not ready to turn any business loose in the community with no other certificate of character. Something more is demanded than the mere fact of employment.

Over against the admission that some men will lose their jobs under prohibition, we put the indubitable fact that if saloons are not voted out thousands and tens of thousands of saloon patrons will inevitably lose their jobs in the future as they have in the past and their families will suffer. There are thousands of the patrons of the saloon in the penitentiaries who are there because of the operation of this flourishing industry. They have lost their jobs. Their families have suffered and are suffering. In two years there were 113,625 misdemeanor arrests in a single state (California). Of these, 66,930 were plain drunks and about 20,000 more were fancy drunks, or drunk and dis-

orderly. The man who is drunk, in jail or out, is not on his job. His family is suffering. We have saloon-paupers in our almshouses. They have lost their jobs and their families are suffering. We have saloon-sick and disabled in our hospitals. They have lost their jobs and their families are suffering. We have saloon-loafers on our streets. They have lost their jobs and their families are suffering.

Over against the call for help from the Brewery Workers' Union, and similar organizations, and the appeals of the liquor attorneys and the saloon advocates, we put these facts. Somebody is due to lose his job whichever way a prohibition election goes. It rests with the voter to say who.

There is something to be added. When the saloon puts a man out of his job it accomplishes the task in a thorough-going way. He is unfitted for any job. He is down as well as out. The persistent patron of this proud industry becomes a minus factor in the industrial world, and a negligible quantity in the social order ex-

cept as a bill of expense against those who are asked to vote for the saloon. Not only so—the man is disgraced and his family is humiliated. When the saloon gets through with him nobody can make anything out of him except the undertaker.

On the other hand, the saloonkeeper out of a job is on his way to decent citizenship; his family is relieved of a social stigma and secures a higher standing in the community; and the social order exchanges a destroyer for a producer. When prohibition puts a bartender out of a job it forces him from a bad job to a good job. It gives him a chance to help and not to hurt as a social factor. Our choice in voting lies between the men who are working the liquor business and those who are being worked by the liquor business. A victory for the wets means that thousands of working men will continue to lose their jobs each year because of the saloons; that the families of these men will be brought to shame and suffering; and that a host of producers will be thrown upon

the industrial scrap-heap as unfit for any job. We can take our choice.

There are other considerations of momentous importance in connection with the relation of the laboring men to the liquor traffic. The business notoriously employs fewer men on the basis of capital invested than any other familiar line of trade. That is the first specification in the indictment of the traffic by labor. The latest census report (1910) contains some interesting items bearing on this subject. In the statistics on manufactures (bulletin 1910, table 1) we are told that there are 6,616,046 workers engaged in all the industries of the United States. But in the manufacture of distilled liquors, beer and wine there were only 62,920 workers. The census bureau (page 8) makes comment upon the relative importance of the distilling and brewing industries as employers of labor: "That importance is best shown by their ranking in number of wage-earners; in this respect the brewing industry ranks twenty-fifth among the industries of the country

and the distilling industry forty-third."

The wage-earners are the "poor relations" of the liquor traffic. It does not use its share of labor. It gives employment only to nine-tenths of one per cent of those classed as wage-earners throughout the country. In proportion to capital invested it employs few men compared with other trades. The late Dr. Carroll D. Wright, when chief of the labor bureau at Washington, presented this phase of the subject in the following startling manner: "It requires \$3504 capital to employ one man in the making of ardent spirits. That amount of capital would employ eight and four-tenths men in making brick and tile; eight and six-tenths men in making boots and shoes; in all building trades it would employ nine and seven-tenths men. If the capital now engaged in the building trades were to be turned into the manufacture of beer and whisky, out of every nine men eight would be thrown out of employment." Taking five great groups of industries such as textiles, steel, lumber, leather and paper,

we find that they employ five times as many laboring men for the same amount invested as does the liquor traffic. It does not require extraordinary acumen to decide whether it would help or hurt labor if the liquor capital of the United States were turned into other channels.

Does the working man get his fair proportion of the profits of the so-called industry? That is our second inquiry. In 1910 the capital invested in the manufacture of malt, distilled and vinous liquors was \$771,516,000. Labor received an average of 5.8 per cent for its share in production. On the same basis the leather products industries paid in wages 23.5 per cent; paper and printing paid 21.3 per cent; lumber and its products, 27 per cent; iron and steel, 17.6 per cent; textiles and finished products, 23.9 per cent. Someone else, not the working man, gets the profits of the liquor business. The stockholders, the high-salaried managers, the corrupt politicians and the United States government are the

beneficiaries of the business instead of the wage-earners.

The showing for labor may be estimated in another way. What proportion of the value of the product goes to the worker in wages? In other words, how much does the laboring man get out of the amount spent by the public for liquor products in proportion to what he would get out of the same amount spent for other manufactured articles? Only 1.5 per cent of the value of distilled liquors, and 11 per cent of malt liquors, or an average of 7.6 per cent of all, goes to wages. In contrast are the figures for other leading industries: Boots and shoes, 19 per cent; clothing, 18 per cent; cotton goods, 21 per cent; furniture, 27 per cent; bread and bakery products, 14.95 per cent; while an average of all industries pays for labor 16.57 per cent of the value of the product, or more than twice as much as labor gets from the liquor business. In other words, if the money spent by the American people for liquor could be turned into other channels, it would mean a de-

mand for twice as much labor as now finds employment in the liquor industry.

Dr. Charles Stelzle, the eminent sociologist and superintendent of the Presbyterian department of church and labor, calls attention to the fact that the annual drink bill in America at the retail price amounts to about \$1,800,000,000. About the same amount is spent yearly for food and clothing, the primary necessities of life. Using the census figures, he shows that if the liquor money could be turned into bread and clothing channels it would give employment to nearly eight times as many workers. In addition these workers would collectively receive nearly \$200,000,000 in wages from the new source. Beyond that, the cost of raw materials would be over \$600,000,000 more than the liquor industry now expends. In these days, when we are discussing the problem of the unemployed and feeling the effects of financial stringency, the careful consideration of such facts would seem to be the dictate of eco-

conomic wisdom. At any rate, there is nothing in such a showing to command sympathy for the liquor industry on the part of American labor.

There are a hundred other considerations worthy of attention when we are dealing with the subject of labor and liquor which cannot be given even a passing notice. An article such as this could be written on any one of the following facts:

The wage scale is affected by the standard of living, among other factors. The prosperity of the liquor business lowers the standard of living in the country. Men, and families, and whole communities get along with poorer food, poorer clothing, poorer houses, poorer furnishings, and poorer recreations and means of culture, and less of all these, by reason of saloon patronage. The settling of the living standard affects the wage-earner in all the industries.

The liquor business cheapens the labor market by forcing mothers and children in the homes of drunkenness to help earn the living. The suffering

and hungry are willing to work for any wage. That sort of competition will have its effect on the labor market. The temperate working men vote for such conditions when they vote for the saloon.

Money spent for liquor does less in creating a demand for labor than when spent for any legitimate need. The use of liquor does not produce any new wants. It destroys the normal demands of the individual in all legitimate industries. The greater the demand in other industries the greater the benefit to labor; the larger the liquor demand the more the other industries suffer.

We may also notice as worthy of consideration, not only the quantity but also the quality of the work provided for the wage-earner by the liquor traffic.

What is its physical quality? Mr. Stelzle quotes from Thomas Oliver's "Dangerous Trades" the figures with regard to the annual mortality of males engaged in different occupations at successive periods of life: The

death rate of all males between 15 and 20 years of age is 2.6 per thousand, while for brewers it is 2.7 per thousand; between the ages of 25 and 35 it is 7.3 for all occupied males and 10.8 for brewers; between 45 and 55 it is 20.7 for all occupied males and 30.8 for brewers; between the ages of 55 and 65 it is 36.7 for all occupied males and 54.4 for brewers. This excessive death rate among brewery workmen more than offsets the claim of the high rate of wages paid by the industry.

What is the social quality of the employment? This is indicated by the social status of those employed by the liquor traffic. Rightly or wrongly, society in this democratic country has put up the trespass sign against those who are engaged in the liquor business. The name of bartender is not in good odor among reputable working men. The most extensive secret organization of wage-workers ever founded in the United States refused to recognize rum-sellers as worthy of fellowship with its members. The leading fraternal orders bar those who

are engaged in the sale of liquor. Many of the Christian churches make "buying and selling" an obstacle to church membership. We are not discussing the ethics involved; we are simply calling attention to a well-known fact. If we sometimes hear of "tainted money" in connection with capital, it is equally true that there is such a thing as "tainted employment" in connection with labor and that is the kind of employment offered to the worker by the saloon.

What is the moral quality of the employment? The saloon is intimately associated with every evil thing in the social order. All vice and crime find in it a congenial rendezvous and headquarters. It may be truly said that nothing more distinguishes the drink traffic from all legitimate trades than the ignorance, callousness and viciousness of the majority of the individuals engaged in it. Defiance of law, looseness of morals and indifference to human rights are distinguishing characteristics of the typical liquor dealer. The wage-earners in the

saloon business are constantly on the defensive in the social order. The best thing they can say for their business is that it is licensed under the law and is not necessarily criminal. No co-operation in reform movements is ever volunteered by or expected of those engaged in the traffic. If social standing and self-respect have value to the working man—and who will deny it?—the saloon offers him the poorest kind of employment.

Relics of the Stone Age



THE STONE AGE is a term commonly used to describe the earliest recognized stage of human development. It does not represent a chronological division of human progress, but is a loose equivalent for a stage of cultural development varying widely in duration in different parts of the world. The twentieth century finds some tribes still in the Stone Age, while other groups had progressed beyond it before the dawn of history.

The Stone Age is identified by the materials used by man as weapons. It is indicated by the relics found by the archeologist. The evidence for the existence of such an age in most parts of the world is conclusive from the prevalence and character of the relics. These consist of knives, arrow points, spearheads and clumsy axes made of stone. It seems probable that in all

parts of the world men have passed through this stage of development before making use of metals.

There is something answering to the Stone Age in the progress of the temperance reform. There is a remarkable period in its American history at the beginning which may be thus characterized. There are some individuals, too, who are yet in the first stage of temperance development. In common with the vast majority, they recognize the liquor traffic as the enemy of all the interests of the social order. They clearly see the good of humanity demands that it may be made as harmless as possible. But how is this to be done? What weapons shall be employed in the conflict? Those who linger in the Stone Age of temperance progress are recommending that we fight the liquor traffic with stone hatchets, flint knives, and bows and arrows, when the urgent need is Mauser rifles, machine guns, and siege cannon. Their primitive notions of method are due to ignorance of the history of the temperance

movement. The suggestions which seem so wise to them characterized the earliest and outworn phase of the whole subject.

For example, an earnest and intelligent gentleman recently said to the writer that he recognized the evils of the saloon and knew that something must be done. In his judgment the feasible and effective thing at the present time would be the prohibition of the manufacture and sale of the heavy liquors, such as whisky and brandy, and the licensing and sale of the light liquors, such as beer and wine. He thought such an arrangement would prove of great benefit and help to solve the recognized problem and remedy the acknowledged evils.

He did not know he was running up and down our modern thoroughfares carrying a flint knife and flourishing a stone hatchet. He did not know that he was away back in the Stone Age of temperance. He did not realize that he was simply reproducing in his own mind a stage of development out of which temperance reformers were

forced by circumstances nearly one hundred years ago.

The Stone Age of temperance culture lasted for more than a generation in our country. It is defined by the first weapons which were used against liquor by our ancestors. The conflict against liquor began on the basis suggested by the gentleman, and wasted the time and disappointed the hopes of a generation of earnest men and women. Until the year 1836 organized temperance reform in our country only antagonized the use of distilled liquors. The pledge in use had reference to these alone. Beer, wine and cider in those days of beginnings were generally considered harmless or indispensable.

The Massachusetts temperance society of that time had for its object, as set forth in its constitution, "to discountenance the too free use of ardent spirits." The Wesleyan rules, dating from 1743, declared against drunkenness, buying or selling spiritous liquors, or drinking them "except in cases of extreme necessity." The be-

ginning of organized effort against the liquor traffic may be dated from the organization of "The American Society for the Promotion of Temperance" in 1826. But as late as 1833 that society voted down a resolution committing the organization to total abstinence from all intoxicating liquors. The society only took such a stand under pressure of stern experience as late as 1836.

In 1833 the Congressional Temperance Society began its career in the national capital. Theodore Frelinghuysen wrote its constitution. Lewis Cass, then secretary of war, was its first president. It had about one hundred members, senators and congressmen, pledged "to discountenance the use of ardent spirits and the traffic in it throughout the community." The society, as at first organized, was a rank failure in accomplishing its purpose. It was reorganized on the basis of total abstinence from all intoxicating drink, in 1842. At the first public meeting of the new society Thomas Marshall began one of his brilliant

speeches in this fashion: "The old Congressional Temperance Society has died of intemperance, holding the pledge in one hand and the champagne bottle in the other."

The stone hatchets and flint arrow-heads of the first stage of temperance development failed. It was necessary to invent modern weapons of a different sort for effective warfare. The friends of temperance who began with work against the heavy liquors were simply forced by results, in spite of their reluctance, to the realization that nothing could be gained by such methods. In the present stage of the temperance movement the proposition to fight the saloon by prohibiting distilled liquors and licensing the manufacture of light liquors sets at naught the experience of all the years, and is as grotesque and out of date as the spectacle of a man clad in skins brandishing a club while charging a company of modern infantry armed with repeating rifles.

In the course of a recent debate another stone hatchet was flourished. It

consisted of a beautiful picture of a modern mother, cultured and refined, bringing up her boys to strong and temperate manhood. It was noticeable that nothing was said about our young people who do not have the wholesome influences of cultured motherhood and refined homes. Nothing was indicated as to the desperate need of community protection for the young waifs and strays who are thrown upon our streets and into our industries in the impressionable period of life. These were supposed to shift for themselves, we may imagine, under the law of the survival of the fittest. At any rate, it was not in the thought of the speaker that what is called an industry should be interfered with in their behalf.

Now, moral work has been carried on for a century. It has cultivated temperance sentiment, advanced temperance education, enlisted temperance workers and recruited temperance organizations. But moral suasion is a failure in dealing with those who are engaged in the liquor traffic. It

can only appeal to those who pay some attention to the dictates of the moral nature. Such persons are not bartending and saloonkeeping in our day. Moral suasion is as effective on a mad dog as on the average saloonkeeper. The best thing accomplished by moral suasion is the raising up of a great host in America, which demands that effective measures be employed to destroy the traffic.

The progress of the temperance reform has been marked at intervals by great moral-suasion movements. They have won hundreds of thousands—even millions—of men to sober living. Their enthusiastic promoters have thought they would sweep the liquor traffic out of existence. But the permanent victories of state and national temperance have been won by those who have fought the liquor traffic as a matter of public policy. By them the saloon has been outlawed from many states of the Union and one-half of our territory has been made dry. The liquor interests make no complaint as long as would-be reform-

ers flourish the stone hatchet of moral suasion. They are armored against any such assaults. It is only when attacked by the modern weapon of constitutional prohibition that they show symptoms of alarm. They know what actually hurts their business if other well-meaning folks do not.

There is more than a century of history to bear witness. The most widespread moral-suasion movement was that of Father Mathew, the Irish Catholic priest. His life and labors were heroic. But it is the simple truth that the movement did not apply any lasting remedy to drink conditions in Ireland. The Washingtonian movement was a remarkable uprising, but in its passing it did not leave a single state free from the blighting effects of the open saloon. The Woman's Crusade did a magnificent temporary work in Ohio and neighboring states, but its one permanent achievement was the inspiration of the Women's Christian Temperance Union. The work of Francis Murphy has no permanent monument in any political di-

vision of the United States free from the saloon. To talk of ridding the nation of the bane of intemperance by moral suasion is to flourish a stone hatchet.

One of the characteristics of the man of the Stone Age was a selfish brutality and an utter absence of all the fine feeling of human brotherhood. In this respect there are some of the tribes of earth still living in the Stone Age in spite of the twentieth century. No man is a modern man simply because he happens to live in the modern period. Among the survivals of the Stone Age at the present time we commend our readers to a study of the tribe of saloonkeepers and their allies. For selfish brutality and lack of humanity they stand alone at the present time in our country.

They may be judged by their own words. Their campaign literature is enough to condemn any cause in the eyes of modern civilization. Here, for example, is a little folder published and circulated by the "Southern California Grape Protective Association."

It came to my desk from the Los Angeles headquarters. It is an appeal to "every fair-minded voter," made up of statements from wine-grape growers in various counties. The reader can imagine that it might have had some effect on a skin-clad crowd of Stone Age aborigines, but it is difficult to believe that modern men ever will respond to such a brutally selfish cry. Let me reproduce some choice specimens from this campaign document of the Stone Age outfit calling itself the Grape Protective Association. The names are printed in the folder, but one would feel guilty of libel if he used the names while indicating the character of the appeal.

Here is a statement from a Stone Age survival who lives in San Joaquin county. "The wineries provide a chance for profitable disposition of culls from packing shed and of the overripe, weather-spoiled and other non-packable grapes left on vines at the end of the season. Under prohibition I would lose this desirable revenue." The appeal is enough to bring

tears to our eyes. To think that an organization should imagine that the voters would be willing to saddle the saloon on a state in behalf of any man's side-line! It is a voice from the Stone Age. For selfish brutality it would be hard to match. The old aborigine pleads for our votes in behalf of his packing-house culls and weather-spoiled grapes. What does he care for the fate of the saloon culls and liquor-spoiled men? That appeal ought to have been made in the sign language of the primitive savage instead of being printed on a modern press.

Here is a woman from Mendocino county: "If the proposed amendment prohibiting the manufacture and sale of wine should be adopted by the voters next November, my vineyard, which annually brings an income of about 12 per cent on a valuation of \$15,000, would simply be worthless." No sign that she cares whether the saloon breeds evils for others; she only speaks of her "12 per cent." No thought for the health, happiness,

prosperity, or even the lives of the women and children who are the innocent victims of the traffic which pays her "12 per cent." Let everybody turn out and save "my 12 per cent" without reference to the social welfare.

Here is a primitive man from Tulare county: "If the proposed amendment is adopted it will mean a great loss to myself and family and to the whole country at large." Of course, it is not possible to argue with a Stone Age survival; but if such a thing were possible, one would like to inquire what it means to other men and their families when the proposed amendment is not adopted. Other men and their families have suffered great losses while this man has been making his profits. He asks his civilized neighbors to see that this arrangement, so agreeable to him, is perpetuated by their votes.

The liquor literature is all lacking in the note of humanity, but we shall only produce one more specimen. William H. Anderson, president of the Anti-Saloon League of New York, at

the hearing of the Hobson bill before the house committee in Congress, read a letter from the president of the Keeley Institute at Dwight, Illinois. That letter was a transcript of one received from a liquor-distributing company in Kansas City, Missouri, and was signed by its president. Said this liquor man, writing to the Keeley Institute: "Our customers are your prospective patients." And then the letter went on to offer to the Keeley Institute for a consideration the mailing list of the company, as they were closing out their business. For 40,000 names \$400 was wanted; for from 20,000 to 30,000, \$300; for 20,000, \$200, and this comment was added: "The list is the result of thousands of dollars of advertising. Each individual is a regular user of liquor, and there is not a single one who would not like to quit that habit. Each man is keenly alive to the injury of his practice and he is only awaiting some way of stopping."

The letter well represents the hard and inhuman character of the liquor business. By dint of earnest atten-

tion to their business and the expenditure of thousands of dollars they have undermined the manhood of thousands of their fellow-citizens and now with unblushing hardihood they offer to sell the mailing list of their wreckage to the Keeley Institute. That is an open and brazen confession of the fruitage of the liquor business and the character of the liquor-seller. It is a distinguishing quality of the outfit which has been exploiting the country for generations and which now appeals to the voters on behalf of what they call a legitimate business.

It will be noticed that all the liquor campaign literature bears the Stone Age imprint. It is characterized by selfish brutality and callous inhumanity. They ask the perpetuation of drunkard factories in their own little selfish interests. There is not a public-spirited utterance in the output. There is no thought of the saloon products in our penitentiaries, our jails, our insane asylums, our poorhouses, our hospitals, our ruined homes, and our potters' fields. Shakespeare's Shylock

was a gentleman of the finest feeling compared with this Stone Age outfit. His outcry, at least, coupled his daughter with ducats, but these Stone Age survivals are only interested in their ducats.

A Civil Code of Immorals



IN the course of a prohibition campaign the saloon forces become exceedingly solicitous about the method of morality. Their cry is that "you cannot make men good by law." It is announced as a self-evident proposition. You never hear any man repeating the stale commonplace except when he is on the wrong side of some moral question or has some disreputable interest which is threatened by political action. It is touching to see the saloonkeepers and their friends showing solicitude on the subject of morals and we therefore give attention to the only principle of morals that has the barroom smell. When it is proposed to close the saloon and the ethical authorities who preside at the bar wisely wag their heads, and repeat the parrot phrase, "You cannot make men good by law," there is a significant implication involved. It is im-



plied that the business involves immorality. If not, why should the saloon-barkers run up and down during a campaign crying, "You cannot make men good by law"?

The obverse of that defensive slogan of the liquor interest is this: You cannot make men good by the saloon. You might as well recite the alphabet or repeat the multiplication table as to argue that the saloon fosters vice and breaks down virtue. The saloon recognizes its own evil nature. At this time when it awaits its death sentence in our country, no man is brazen enough to insult the public intelligence by pleading for its continuance on the ground of the good it does. It profits by human weakness and it thrives on human vice. It makes men bad in the extension of its business. It has the one motive of money-getting. Whatever is weak or bad in the community the saloon uses for its profit, and using makes worse. And when it is proposed to prohibit the traffic the only defense it has to offer on moral grounds is, "You cannot

make men good by law." That is, the immorality inseparable from the saloon can only be overcome by morality, and civil law cannot accomplish this.

What is the real meaning of this vaunted aphorism? It cannot be taken as asserting merely that statutes cannot change men's hearts. That would be a sententious platitude without any practical force whatever. Anyone at all intelligent recognizes the fact that you cannot change a man's disposition by statute nor destroy his appetite by constitutional amendments. You cannot abolish the desire for drink by legislation. While prohibitionists may feel complimented by the recognition that their work is in the interest of morals they must admit that essential morality is not the product of statutory enactment.

On the other hand, it must be emphasized that the prohibition of the liquor traffic is not primarily an attempt to make men moral. Criminal law is not so much an instrument for the promotion of goodness as a means

of community protection against evil-doers. The saloon breeds crime against the person, against property interests, against public order, against life itself. Two-thirds of the arrests in a saloon section are made for drunkenness, every one of which is at the very least a public nuisance, and in many instances a menace to life. The community not only has a right, it has a positive duty, to protect itself as far as possible against the output of this state industry. So the primary purpose of prohibitive laws is not to make the drunkard moral nor the saloon-keeper virtuous, but to protect the public against that which is hurtful and dangerous.

In other words, it has been borne in upon an increasing number of American citizens that we ought to stop encouraging immorality by law. We ought to stop giving immoral men opportunity by law. We ought to close our haunts of crime and schools of vice by law. We ought to hang up the shutters on the devil's headquarters by law.

It may be urged, on the basis of established principles of political economy, that the safeguarding of public morals is a primary duty of government. There are certain rights or powers possessed by states by the law of their existence. They are the inherent attributes of sovereignty. Among these is what is called the "police power." It is the inherent power of a state to pass such laws and to take such action as may be deemed necessary for its own protection, and to secure the safety, comfort and welfare of its citizens. No one denies such a power to the state. Jeremy Bentham describes "police" as a system of precaution for the prevention of crimes or calamities. Its functions have to do with such public interests as the prevention of offenses, the promotion of the public health and the administration of charity. The law and theory of the police power was a legal development of the nineteenth century.

When the liquor traffic is considered as a source of crime, disease and pau-

perism, it will be seen that it is a primary duty of the state to deal with it. If the state does deal with it effectively, it will not be by punishing criminals after they commit offenses, by nursing the sick and diseased who become such by reason of their patronage of the saloon, or by caring for paupers as burdens upon society as the finished products of the traffic. There will be only one way in which the state, in the wholesome exercise of its acknowledged power of police, can discharge its duty to the people, and that is by destroying the liquor traffic as the prolific cause of these sinister effects. As long as the traffic is under the patronage of the state, so long it may be declared without fear of contradiction, our government is failing to successfully discharge some of its primary functions in the interest of public morals and public welfare.

When we are reminded that "You cannot make men good by law," it is well to recall that human law has to do with men's actions. This bit of

whisky wisdom must therefore be taken to mean that a man's conduct is unaffected by outward restraints. When the proverb is analyzed in the light of the function of law it is enough to make Milwaukee famous. For if there is one thing absolutely certain, it is that conduct is largely controlled by circumstances. "Lead us not into temptation" is a prayer not to be despised with impunity by the best of men. Children almost inevitably become criminal or vicious in criminal or vicious surroundings, whilst the wholesome influences of our well-ordered homes and communities produce good citizens. There are numberless people now leading honest lives who would fall away to crime, if a criminal career were made easy and safe. In brief, it is one of the most obvious facts in practical life that men are made moral in conduct "by act of the legislature." Statutory morality involves a principle which no state can afford to neglect.

It is also a significant thing that legislatures can and do make laws reg-

ulating the morals of the people. There are laws against murder, arson, theft and a great many other things which have to do with morals. To be sure, these laws are not passed and enforced for the purpose of making the citizen sing, "I want to be an angel"; their primary purpose is the common defense and general welfare. The supposition of criminal law is that they do have some restraining influence among men. They not only serve to punish bad men and to protect good men, but they also prevent weak men from becoming criminals. It is the consensus of opinion among civilized peoples that they are a great deal better off under law, and by reason of law, than they would be without any law. No doubt there is a great deal less of crime in our country than if we had no criminal law. If so, then, we may truthfully assert that by so much are men made better by law.

This is the principle of prohibition as applied to the liquor traffic. It is an indubitable fact that a good prohibitory law reasonably enforced

would serve to improve the conduct of many people. Prohibitory laws do not destroy the liquor appetites of men, but they do remove the temptations to gratify them and the opportunities to cultivate them. If a man can get nothing to drink he does not get drunk. If he does not get drunk he does not commit the crimes characteristic of the drunken state nor does he become vicious and debased as only a drunkard is sure to become. Prohibition would force rum-sellers into some decent business and thus improve their conduct. Prohibition would remove legalized temptation out of the way of the rising generation to its great betterment. There are many ways in which law can help morals.

Legislation is thus seen to affect morals, not directly, but indirectly. No one in his senses has ever advocated a law decreeing the establishment of goodness. No one imagines for a moment that the passage of a law to the effect that after January 1st, 1918, all men in the United States

should be honest, truthful and chaste would accomplish the result. Law as an agency for the promotion of morality is a method of indirectness. It aims at the prevention of badness rather than the promotion of goodness.

Someone has recently illustrated this function of the law by the way we use it in dealing with other evils. Recently we have been fighting the bubonic plague in some parts of California. Now it is true in a sense that you cannot make men healthy by law. The mere passage of a law doing away with the scourge of bubonic plague in California on and after January 1st, 1919, would not accomplish the desired result. But see how the law goes about getting the result by the method of indirection. We discover that the plague is spread by infected rats and squirrels. Now it is perfectly true that killing rats and squirrels will not make sick people well, but our authorities have intelligence enough to know that the annihilation of infected rodents will keep

a lot of well people from getting sick. No diseased rats running loose means little or no bubonic plague. So no manufacture and sale of intoxicating liquors means the stoppage of the moral and physical evils directly traceable to the open saloon.

Paris green does not add to the edible qualities of potatoes any more than legislation directly acts upon the moral character of men. But when the potato bugs are getting in their work on the crop, a dose of paris green protects the plant, insures the crop and gives us potatoes to eat which otherwise would be destroyed. Thus law may not make men moral, but it can do much to keep them from immorality. It can lay hands upon the parasites who commercialize the weakness and ruin of their fellows and thus give the weak members of the community a chance of survival. At any rate it can forever put a stop to the legalized encouragement of drunkenness with all its evils and the artificial stimulation of all kinds of vice for the sake of the dollar.

There is another way in which legislation affects morals. The statute-book is the national conscience, just as the executive government is the national will. The standard of right with a great many people is legality. Morals are thus affected by the operation of what may be termed an artificial conscience. The masses of mankind may get their ethics in the first instance from the statute-books and only secondarily from the Bible. This effect of law upon morals is profusely illustrated in our history as a people.

In early times, for example, lotteries were a popular and legal method of raising funds for the founding of colleges, the building of roads, and even for the erection of churches. In the present day it would be difficult to find any considerable number of people favorable to the lottery system. The change in sentiment is largely due to the educative effect of prohibitive laws.

The abhorrence with which human slavery is now regarded is another case in point. Living men remember

that as late as 1859 a church anti-slavery society was organized "for the purpose of convincing American churches and ministers that slavery was a sin and inducing them to take the lead in the work of its abolition." The revolution in opinion and sentiment on this subject which has come about in half a century can logically be accounted for on no other basis than the prohibition of the institution by law as embodied in the Emancipation Proclamation and the amendments of the Constitution of the United States.

The falsity of the cant phrase we are studying is evidenced by some history on the other side of the water. The great monument of the beneficent life of the late Lord Shaftesbury will be found in some legislation—the factory acts of England. This legislation created a moral revolution in the "Black Country." Before the passage of these laws in many parts of England women and children were degraded beyond description; and because the national conscience em-

bodied these protective acts in the statute-book, the whole moral condition of vast masses of the people has been entirely changed.

Richard T. Ely, the well-known political economist, calls all history to bear witness to our contention in the following words: "When we look back upon the past development of mankind we must admit that the moral progress of the human race has been largely due to law."

The attorneys of the liquor traffic, who temporarily assume the role of public lecturers on civic morals and reform methods during prohibition campaigns, counsel measures for dealing with the acknowledged evils of the saloon which will allow that pernicious institution to serenely continue its work in the community undisturbed. One of these attorneys recently uttered this sapient sentence in a speech against the adoption of a prohibition amendment: "The real remedy for intemperance is not prohibition, but education and self-control." The sentiment is here repro-

duced because it is characteristic of one of the liquor arguments against prohibition as a means of promoting temperance. If the speaker's statement as an advocate represented his real opinion, he was a lawyer who had not grasped the real nature and function of the law.

It does not seem to have dawned upon the mind of this legal light that law is itself a moral agent, and a primary and efficient one. He does not seem to have realized that we are using it in many ways to secure the conditions and to furnish the motives of morality. He has not yet recognized that law is the expression of the moral enlightenment of a people and the index of the moral temper of the citizenship of a state. He does not appreciate the fact that the passage and the enforcement of law is a means of education leading to self-control.

Laws once placed upon the statute-book and honestly enforced educate the moral sense of the community. As we have said, many a man has no

higher standard of action than the law. What is legal he accepts as a guide; what is illegal he abjures as dangerous because of penalty. While it is true that ideas of right and wrong ought to go much further than is possible for law, that is only another way of saying that we have a great many who are yet in a rudimentary stage of moral development. It is a positive gain to the social order when statutory law can reinforce the requirements of true ethics. When sociological students tell us that statute law furnishes millions of human beings with nearly all their ideas of morality, there are two tasks indicated. First, it is important to carry forward this primary educational work of the law; and, second, to train men so that their ideas of right and wrong shall not be bounded by legality.

There is one name in the history of jurisprudence mentioned with reverence by every intelligent lawyer—Moses. His code has been the most universal and influential. It was the theory of this great statesman that

law played a most important part in the education of a people. That is one great difference between Moses and some modern lawyers. He had to deal with a degraded people, and the first thing he gave them is what is known in history as the Law of Moses. Under the influence of the law they gradually rose to what was comparatively, in ancient times, a high condition of morality.

Thus it would seem that the liquor aphorism, "You cannot make men good by law," is worth only about as much as the average argument in behalf of the saloon. You cannot make men drunken by law, but we have been living under laws whose whole tendency has been the encouragement and promotion of drunkenness; so, while men cannot be made sober by law, we have come to a time when the people of the land are demanding laws which shall, at least, encourage and promote sobriety, with its attendants of health, prosperity and good citizenship.



1144 00217397 8

DREW UNIVERSITY LIBRARY
MADISON, NEW JERSEY 07940



T5-AFF-525